

## SEVENTY-SEVENTH DAY

(Tuesday, May 27, 1969)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 161, Commending the Reverend Louis Calvin Browning.

H. B. No. 293, Relating to the feeding of garbage to swine; amending Section 22a, Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 1525b, Vernon's Texas Penal Code), by adding Subsection (7a); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

## Morning Call Dispensed With

Senator Aikin asked unanimous consent to dispense with Morning Call.

There was objection.

Senator Aikin then moved to dispense with Morning Call.

The motion prevailed by the following vote:

Yeas—19

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	McKool
Bridges	Ratliff
Brooks	Schwartz
Christie	Snelson
Cole	Watson
Hall	Word
Harrington	

Nays—7

Creighton	Herring
Grover	Patman
Harris	Strong
Hazlewood	

Absent

Blanchard	Moore
Connally	Wilson
Kennard	

## Senate Resolution 949

Senator Herring, by unanimous consent, offered the following resolution:

Whereas, Today, May 27, 1969, marks the seventy-ninth birthday of Mr. Jessie Bailey who for many, many years has served as porter in the Senate of Texas; and

Whereas, Mr. Bailey has a host of friends throughout the Capitol Complex who wish him well not only on this day but throughout his life; and

Whereas, It is the wish of the Senate to congratulate Mr. Bailey on this the anniversary of his birth and to extend to him its sincere appreciation for his years of dedicated duty to the State of Texas; now therefore be it

Resolved, That copies of this Resolution be prepared for Mr. Jessie Bailey as a token of the esteem in which he is held by the members of the Senate of the State of Texas.

The resolution was read and was adopted.

**House Bill 157 on Third Reading**

Senator Snelson moved to suspend the regular order of business and take up H. B. No. 157 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Hazlewood
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Grover	Snelson
Hall	Watson
Harrington	Word
Harris	

**Nays—3**

Creighton	Strong
Herring	

**Absent**

Connally	Wilson
Moore	

The President laid before the Senate on its third reading and final passage:

H. B. No. 157, A bill to be entitled "An Act establishing Permian State College and providing for its management and operation; and declaring an emergency."

The bill was read third time.

Senator Bates moved the Previous Question on the final passage of H. B. No. 157 and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

**Yeas—16**

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	McKool
Bridges	Ratliff
Brooks	Schwartz
Hall	Snelson
Harrington	Watson

**Nays—12**

Christie	Herring
Cole	Mauzy
Creighton	Moore
Grover	Patman
Harris	Strong
Hazlewood	Word

**Absent**

Blanchard	Wilson
Connally	

The bill was finally passed by the following vote:

**Yeas—23**

Aikin	Harris
Bates	Hazlewood
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Grover	Snelson
Hall	Watson
Harrington	

**Nays—5**

Creighton	Strong
Herring	Word
Hightower	

**Absent**

Connally	Wilson
Moore	

**Senate Bill 175 on Third Reading**

Senator Bridges moved to suspend the regular order of business and take up S. B. No. 175 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—21**

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Cole	Snelson
Hall	Watson
Harrington	Word
Hazlewood	

**Nays—6**

Creighton	Herring
Grover	Hightower
Harris	Strong

## Absent

Blanchard  
ConnallyMoore  
Wilson

The President laid before the Senate on its third reading and final passage:

S. B. No. 175, A bill to be entitled "An Act creating and establishing in Corpus Christi, Nueces County, Texas, a fully State supported, coeducational institution of higher learning, to be known as Corpus Christi State University; etc., and declaring an emergency."

The bill was read third time.

Senator Bridges offered the following Committee Amendment to the bill:

Amend Senate Bill No. 175 by striking the phrase "Corpus Christi State College" in all places where it occurs in the Bill, and substituting in each of those places "University of South Texas."

The Committee Amendment was read.

Senator Strong moved the Previous Question on the adoption of the Committee Amendment to H. B. No. 175 and the final passage of the bill and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was then ordered by the following vote:

## Yeas—15

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	McKool
Bridges	Ratliff
Brooks	Snelson
Hall	Watson
Harrington	

## Nays—13

Blanchard	Herring
Christie	Mauzy
Cole	Patman
Creighton	Schwartz
Grover	Strong
Harris	Word
Hazlewood	

## Absent

Connally	Wilson
Moore	

The Committee Amendment was adopted by the following vote:

## Yeas—24

Aikin	Hazlewood
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Cole	Ratliff
Creighton	Schwartz
Hall	Snelson
Harrington	Watson
Harris	Word

## Nays—3

Grover	Strong
Herring	

## Absent

Blanchard	Moore
Connally	Wilson

The bill as amended was finally passed by the following vote:

## Yeas—19

Aikin	Hazlewood
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Cole	Snelson
Hall	Watson
Harrington	

## Nays—9

Blanchard	Hightower
Creighton	Ratliff
Grover	Strong
Harris	Word
Herring	

## Absent

Connally	Wilson
Moore	

## House Bill 42 on Second Reading

Senator Bernal moved to suspend the regular order of business and take up H. B. No. 42 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Berry
Bates	Bernal

Blanchard	Jordan
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Patman
Connally	Ratliff
Hall	Schwartz
Harrington	Snelson
Hazlewood	Watson
Hightower	Word

Nays—5

Creighton	Herring
Grover	Strong
Harris	

Absent

Moore	Wilson
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 42, A bill to be entitled "An Act creating the University of San Antonio as a state-supported institution of higher education; providing for its management and administration; providing that general laws affecting other state institutions of higher learning which are not in conflict with this Act apply to the University of San Antonio; repealing laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Bates moved the Previous Question on the passage to third reading of H. B. No. 42 and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

Yeas—16

Aikin	Harrington
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Bridges	McKool
Brooks	Ratliff
Connally	Snelson
Hall	Strong

Nays—13

Blanchard	Harris
Christie	Hazlewood
Cole	Herring
Creighton	Mauzy
Grover	Patman

Schwartz	Word
Watson	

Absent

Moore	Wilson
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The bill was passed to third reading by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Cole	Snelson
Connally	Strong
Hall	Watson
Harrington	Word
Hazlewood	

Nays—4

Creighton	Harris
Grover	Herring

Absent

Moore	Wilson
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#### House Bill 42 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Cole	Snelson
Connally	Watson
Hall	Wilson
Harrington	Word
Hazlewood	

Nays—5

Creighton	Herring
Grover	Strong
Harris	

Absent

Moore	
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Grover, Harris, Herring and Creighton asked to be recorded as voting "Nay" on the final passage of the bill.

#### Record of Votes

On motion of Senator Kennard, and by unanimous consent, Senator Kennard and Senator McKool will be recorded as voting "Yea" on suspending the regular order of business and on final passage of H. B. No. 157.

#### Reports of Standing Committees

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 748, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HALL, Chairman.  
WORD  
CONNALLY

Senator Aikin, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 240, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 350, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

#### Senate Bill 554 on Third Reading

Senator Aikin moved to suspend the regular order of business and take up S. B. No. 554 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Hazlewood
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Cole	Snelson
Connally	Watson
Hall	Word
Harrington	

#### Nays—6

Creighton	Herring
Grover	Mauzy
Harris	Strong

#### Absent

Moore	Wilson
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The President laid before the Senate on its third reading and final passage:

S. B. No. 554, A bill to be entitled "An Act creating and establishing in Texarkana, Texas, a coeducational institution of higher learning to be known as Texarkana State University; and declaring an emergency."

The bill was read third time and was passed.

#### Record of Votes

Senators Herring, Creighton, Grover, Mauzy and Strong asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Word in the Chair.)

**Senate Bill 852 on First Reading**

Senator Strong moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Word

Absent

Wilson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Strong and Hall:

S. B. No. 852, A bill to be entitled "An Act relating to voter registration and absentee voting by members of the armed forces and other categories of voters covered by the Federal Voting Assistance Act of 1955, as amended, and to voting by persons who return to the county of residence after applying for an absentee ballot by mail; amending Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), as follows: amending Subdivision 2a, enumerating the categories of persons entitled to vote by use of the official federal post card application for absentee ballot and prescribing procedures for absentee voting, including registration therefor, by persons using the federal post card application form; adding Subdivision 4d, relating to voting upon return to the county of residence after applying for an absentee ballot by mail; adding Subdivision 4e, enlarging the period for mailing absentee ballots to voters outside the United States; adding Section 44b, Texas Election Code, re-

lating to registration by voters who are within the categories of persons covered by the Federal Voting Assistance Act of 1955, as amended, at the time of applying for registration or who were within those categories at any time during a specified period prior thereto; repealing Section 50b, Texas Election Code (Article 5.18b); and declaring an emergency."

To the Committee on Privileges and Elections.

**Senate Bill 853 on First Reading**

Senator Strong moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Word

Absent

Wilson

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Strong:

S. B. No. 853, A bill to be entitled "An Act relating to proof of rendition of property for taxation by voters in elections for issuing bonds, lending credit, expending money, or assuming debt; amending Section 35, Texas Election Code, as amended (Article 5.03, Vernon's Texas Election Code), to delete an obsolete provision relating to a list of owners of taxable property to be prepared by the tax collector; amending Subsections (a) and (b), Section 36, Texas Election Code, as amended (Article 5.04, Ver-

non's Texas Election Code), relating to the affidavit required of voters in such elections, to authorize use of a form for multiple signatures of voters and to make provisions regarding the affidavit in absentee voting; and declaring an emergency.

To the Committee on Privileges and Elections.

#### House Bill 221 on Second Reading

On motion of Senator Jordan, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 221, A bill to be entitled "An Act creating two Courts of Domestic Relations for Harris County, Texas; etc., and declaring an emergency."

The bill was read second time.

Senator Jordan offered the following amendment to the bill:

Amend House Bill No. 221 by striking Sec. 2 and substituting the following:

"Sec. 2. The Judge of the Court of Domestic Relations No. 5 shall be a legally licensed attorney at law in the state. No person shall be elected or appointed judge of said court who has not been a practicing attorney of the State of Texas for at least five (5) years immediately prior to his appointment or election. He shall be paid a salary which shall be equal to the total salary paid to a District Judge of Harris County. His salary shall be paid out of the General Fund of Harris County in twelve (12) equal monthly installments. The Juvenile Board shall be authorized to designate the Court of Domestic Relations No. 5 as a Juvenile Court of Harris County."

The amendment was read and was adopted.

Senator Jordan offered the following amendment to the bill:

Amend the caption of H. B. No. 221 by striking the following "providing for the membership of the Juvenile Board of Harris County;"

The amendment was read and was adopted.

On motion of Senator Jordan, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 221 on Third Reading

Senator Jordan moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Snelson
Hall	Strong
Harrington	Watson
Harris	Word

Absent

Wilson

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Resolution 951

Senator Hall, by unanimous consent, offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Master David Hedges, a student from Wm. L. Cabell Elementary School of Dallas; and

Whereas, We desire to welcome this distinguished visitor. David has been nominated for service as a Page in the State Senate; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be designated an Honorary Page, and be extended the privileges

of the floor on this 27th day of May, 1969.

The resolution was read and was adopted.

Senator Hall, by unanimous consent, introduced David Hedges to the Members of the Senate.

**House Concurrent Resolution 156  
on Second Reading**

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 156, Commending Geoffrey James Norris.

The resolution was read.

On motion of Senator Brooks, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 152  
on Second Reading**

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 152, Commending John Bolen.

The resolution was read.

On motion of Senator Brooks, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 138  
on Second Reading**

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 138, Expressing appreciation to Ted Felds.

The resolution was read.

On motion of Senator Brooks, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 161  
on Second Reading**

On motion of Senator Watson, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 161, Congratulating the Youth Crime Prevention League and Rev. L. C. Browning, the founder of the League.

Signed: Lieutenant Governor Ben Barnes; Aikin, Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Strong, Watson, Wilson and Word.

The resolution was read.

On motion of Senator Watson, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Watson, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 139  
on Second Reading**

On motion of Senator Mauzy, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 139, In memory of T. Carr Forrest.

The resolution was read.

On motion of Senator Mauzy, and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**Senate Resolution 952**

Senator Christie, by unanimous consent, offered the following resolution:

Whereas, The 61st Legislature has adopted a proposed amendment to the Texas Constitution which would, if approved by the people of Texas at the general election in November 1970, permit the Legislature to au-



thorize local option elections for the sale of alcoholic beverages by the mixed drink; and

Whereas, A study needs to be made in the interim period since a very short time lag exists after the general election prior to the convening of the 62nd Legislature in January 1971; now, therefore, be it

Resolved by the Senate of the 61st Legislature, That an interim study committee be and is hereby created to be known as the Committee to Re-evaluate Texas Liquor Laws, said committee to consist of five (5) members of the Senate to be appointed by the Lieutenant Governor, who shall make a complete and thorough study of the laws in Texas and other appropriate states relating to alcoholic beverage education and regulation with the goal of modifying, modernizing, improving and recodifying the Texas Liquor Control Act, studying better enforcement methods and stricter regulation; and, be it further

Resolved, That from the Contingent Expenses fund of the Senate, the members and staff of the Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution and other necessary expenses of operation of the Committee including staff, an attorney, telephone, postage, printing and travel costs shall be paid from the Contingent Expenses Fund of the Senate; and, be it further

Resolved, That the staff of the Texas Legislative Council be and it is hereby requested to assist the Committee in this study; and be it further

Resolved, That the Committee shall prepare a budget for the operating expenses of said Committee, which shall be submitted to the Contingent Expenses Committee of the Senate, and no expenditures shall be made until a budget has been approved; and be it further

Resolved, That the Committee shall make a complete report including findings, recommendations and drafts of any legislation it may deem desirable and necessary to the Regular Session of the 62nd Legislature when it convenes in January, 1971.

The resolution was read and was referred to the Committee on Contingent Expenses.

#### House Concurrent Resolution 150 on Second Reading

On motion of Senator Hall, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 150, Commending Charles Dunn.

The resolution was read.

On motion of Senator Hall, and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 118 on Second Reading

On motion of Senator Hall, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 118, Creating Natural Fibers and Textile Development Committee.

The resolution was read.

On motion of Senator Hall, and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 70 on Second Reading

On motion of Senator Wilson, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 70, Renaming Boggy Creek Park on Rayburn Reservoir in memory of Ralph Edward McAlister.

The resolution was read.

On motion of Senator Wilson, and by unanimous consent, the resolution was considered immediately and was adopted.

(President in the Chair.)

#### Senate Bill 534 with House Amendments

Senator Snelson called S. B. No. 534 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend Senate Bill No. 534 by striking the second sentence and adding in its place the following:

"Goods received due to a bona fide mistake are to be returned, but the burden of proof of the error shall be upon the sender."

#### Amendment 2

Amend Senate Bill 534 by adding a new sentence to Section 1 to read as follows:

"Provided, however, the provisions of this Act shall not apply to goods substituted for goods ordered or solicited by the recipient."

The House Amendments were read.

Senator Snelson moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 779 with House Amendment

Senator Snelson called S. B. No. 779 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill No. 779, first House printing, by deleting "district judge" on line 45, and replacing it with "judge of the county court at law."

The House Amendment was read.

Senator Snelson moved that the Senate concur in the House Amendments.

The motion prevailed.

#### Senate Bill 807 on Second Reading

On motion of Senator Harrington, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 807, a bill to be entitled "An Act relating to uniform reciprocal enforcement of support; amending and revising Chapter 679, Acts of the 59th Legislature, Regular Session, 1965 (Article 2328b-4, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time.

Senator Patman offered the following amendment to the bill:

Amend S. B. 807 by adding to Subsection (h) of Section 2 of the printed copy thereof the following sentence:

Such public official shall be the criminal district attorney or county attorney or the district attorney where there is no criminal district attorney or county attorney.

The amendment was read and was adopted.

On motion of Senator Harrington, and by unanimous consent, the caption was amended to conform to to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 807 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 807 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Concurrent Resolution 155 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 155, Commending Dar-on Butler.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

#### Motion in Writing

Senator Hall submitted the following Motion in Writing:

Hon. Ben Barnes, President of the Senate.

Dear Mr. President:

Notice is hereby given of the intent to hold a Local and Uncontested Bills Calendar at 8:00 a.m., Thursday, May 29, 1969.

RALPH M. HALL, Chairman,  
Local and Uncontested Calendar

The Motion in Writing was read and was adopted.

#### Motion to Place Senate Bill 77 on Second Reading

Senator Bates moved to suspend the regular order of business and take up S. B. No. 77 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

#### Yeas—18

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Cole	Snelson
Hall	Watson
Harrington	Wilson

#### Nays—10

Blanchard	Hazlewood
Connally	Herring
Creighton	Hightower
Grover	Strong
Harris	Word

#### Absent

Berry	Ratliff
Moore	

#### Senate Resolution 776 on Second Reading

On motion of Senator Creighton, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. R. No. 776 (The resolution having been read first time on Tuesday, May 13, 1969).

Question—Shall S. R. No. 776 be adopted?

Senator Bates offered the following substitute for the resolution:

Whereas, Within our State, an unfortunate conflict exists between various members of the optometric profession; and

Whereas, When optometrists see patients, prescribe for patients and receive income from examination and consultation without regard to the prescription or failure to prescribe prosthetic devices for the alleviation of visual defects, they are acting as professionals and are governed by the dictates of professional ethical conduct; and

Whereas, The Senate of the 61st Legislature after much study has passed a complete revision of the laws pertaining to the practice of optometry and related activities; and

Whereas, It is desirable to make a study and determination of the effectiveness and fairness of the aforementioned legislation with respect to optometrists, opticians, ophthalmologists and the general public as well as to determine the need for any additional legislation or changes in existing laws; now, therefore, be it

Resolved, That a special interim Committee be appointed to determine and recommend legislation, if necessary, to effectuate the above purposes; and, be it further

Resolved, That this special Committee shall consist of five members to be appointed by the Lieutenant Governor, to sit at such times and places between the adjournment of the 61st Legislature and the date of the convening of the Regular Session of the 62nd Legislature as may to the Committee seem necessary and proper; and, be it further

Resolved, That the Committee shall have the power to formulate its own

rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment; and the committee shall have the power to administer oaths and affirmations and fix the bonds for attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed; and, be it further

Resolved, That the committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and to contract for those research and analysis services as the committee may find necessary; and, be it further

Resolved, That the State Board of Optometry Examiners, the Attorney General's Department, the Texas Legislative Council, and other state departments or agencies concerned with the matter, as well as certain officials of the Texas Optometric Association, the American Optical Society, the Association of Ophthalmological Dispensers, and representatives of the various segments of the optometric profession and the optical business, be requested to cooperate with the committee; and, be it further

Resolved, That the committee shall prepare a budget for its operating expenses, which shall be submitted to the Contingent Expenses Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expenses must also be obtained from the Contingent Expenses Committee of the Senate; and, be it further

Resolved, That the committee shall make a complete report to the 62nd Legislature, to include findings and recommendations, and any proposed legislation considered necessary for their implementation.

The substitute was read and was adopted.

The resolution as substituted was then adopted.

#### Reports of Standing Committees

Senator Hightower, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to which was referred S. R. No. 952, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER,  
Chairman  
AIKIN  
WORD  
KENNARD  
HALL

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 952, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

#### Senate Resolution 952 Ordered Not Printed

On motion of Senator Christie, and by unanimous consent, S. R. No. 952 was ordered not printed.

#### House Bill 607 Re-referred

Senator Connally asked unanimous consent that H. B. No. 607 be withdrawn from the Committee on State Affairs and re-referred to the Committee on County, District and Urban Affairs.

There was objection.

Senator Connally then moved that H. B. No. 607 be withdrawn from the Committee on State Affairs and re-referred to the Committee on County, District and Urban Affairs.

The motion prevailed by the following vote:

Yeas—24

Aikin  
Bates

Bernal  
Berry

Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Hall	Snelson
Harrington	Watson
Hazlewood	Wilson
Jordan	Word

## Nays—6

Creighton	Herring
Grover	Hightower
Harris	Strong

## Absent

Moore

## Report of Standing Committee

Senator Aikin, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 897, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman  
MAUZY  
SCHWARTZ  
CONNALLY  
HIGHTOWER  
SNELSON  
BERNAL  
KENNARD  
JORDAN

## Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 90, Allowing people to vote for or against the proposition "Daylight savings time." (With amendments).

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

## Senate Concurrent Resolution 105

Senator Aikin offered the following resolution:

S. C. R. No. 105, Providing for the creation of a Mental Health and Mental Retardation Study Committee.

Whereas, Concepts in the treatment and handling of mental illness and mental retardation have undergone vast changes in the last two decades; and

Whereas, The Fifty-fourth Legislature enacted the Mentally Retarded Persons Act which at that time was a progressive timely law affording the mentally retarded Texas citizen an opportunity to develop to the fullest practicable extent his mental capacities; and

Whereas, The Fifty-fifth Legislature enacted the Texas Mental Health Code which was designed to facilitate hospitalization of the mentally ill; and

Whereas, The Fifty-ninth Legislature enacted the Texas Mental Health and Mental Retardation Act which announced a new concept of providing mental health and mental retardation services to Texas citizens in the communities where they reside; and

Whereas, There are in existence a great number of miscellaneous statutes bearing upon the provision of mental health and mental retardation services to the citizens of this State; and

Whereas, Each of these laws have been enacted at different times and contain different philosophies resulting in conflicts, ambiguities and inadequacies which need study and revision; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That a mental health and mental retardation law study committee be appointed and is authorized to begin work upon adjournment of this Regular Session and to continue its work and report to the Sixty-Second Legislature; and, be it further

Resolved, That the Mental Health and Mental Retardation Law Study Committee shall be composed of three (3) members of the House of Representatives appointed by the Speaker; three (3) members of the Senate appointed by the Lieutenant Governor, and three (3) persons appointed by the Governor; and, be it further

Resolved, That the Commissioner of the Texas Department of Mental

Health and Mental Retardation and the Executive Director of the Legislative Council or their representatives shall be ex officio members of said Committee; and, be it further

Resolved, That all agencies of the State of Texas are hereby authorized and directed to cooperate fully and completely with the Committee in making this study and the Committee is authorized to consult with departments and agencies of the government of the United States or any other state of the United States and of any agency or agencies of any other states as shall be necessary for a successful conclusion of the study; and, be it further

Resolved, That from the Contingent Expenses Funds of the House and the Senate the members of the Committee shall be reimbursed for their actual expenses incurred in carrying out the purposes of this Resolution and other necessary expenses of operation of the Committee shall be paid from the Contingent Expenses Funds of the House and Senate equally; and, be it further

Resolved, That the Committee shall first be assembled at the call of the Governor at which assembly the senior member of the Senate will assume and become the permanent Chairman of the Committee; and, be it further

Resolved, That the Committee shall prepare a budget for the operating expense of said Committee which shall be submitted to and approved by the Contingent Expenses Committee of the House and Senate before any payments shall be made from such Contingent Funds; and, be it further

Resolved, That the Mental Health and Mental Retardation Law Study Committee make a complete study of all laws dealing with mental health and mental retardation and report its findings and recommendations to the Sixty-Second Legislature with drafts of such corrective legislation as it finds necessary.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

#### **Senate Resolution 952 on Second Reading**

On motion of Senator Christie, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time S. R. No. 952 (the bill having been read first time today.)

Question—Shall S. R. No. 952 be adopted?

The resolution was adopted.

#### **Senate Concurrent Resolution 106**

By unanimous consent, Senator Jordan offered the following resolution:

S. C. R. No. 106, Creating the Senate Youth Affairs Committee.

Whereas, The Lieutenant Governor appointed a new standing committee at this, the 61st Regular Session of the Texas Legislature, to be known as the Senate Youth Affairs Committee; and

Whereas, At its organizational meeting on February 3, 1969, the Lieutenant Governor directly charged the committee with the responsibility for making an in-depth study of rehabilitation programs for our young people, along with the responsibility for looking into the problem of drug abuse among youth; and

Whereas, The committee has conducted a preliminary study and has submitted a preliminary report containing recommendations for improvement of our State Rehabilitation Program; and

Whereas, The Committee studies have identified many areas where further intensified efforts are urgently needed; and

Whereas, In accordance with S. R. 101, 61st Legislature, the Lieutenant Governor has appointed a Citizens Advisory Committee to assist the Senate Youth Affairs Committee with its work; and

Whereas, With the assistance of this advisory committee, the committee's studies to date have given it the background to continue to make fruitful studies; now, therefore be it

Resolved by the Senate of the 61st Legislature that the Senate Youth Affairs Committee should continue its studies through the interim and make a second report to the Senate not later than 30 days after the convening of the Regular Session of the 62nd Legislature; and be it further

Resolved, That the Citizens Advisory Committee appointed by the Lieutenant Governor should continue to advise the committee for this second study; and be it further

Resolved, That the Texas Legislative Council be requested to provide regular staff for the committee along with such other staff assistance as the chairman of the council may approve.

The resolution was read and was referred to the Committee on Contingent Expenses.

#### Senate Resolution 954

By unanimous consent, Senator Jordan offered the following resolution:

Whereas, Urban problems are attaining a greater magnitude in the State of Texas as the population of its cities continues to increase; and

Whereas, The continued growth of the metropolitan areas of the state and the attendant increase in the quantity and complexity of urban problems without the effective application of countermeasures to relieve them could produce an environment detrimental to vast numbers of the citizens of the State of Texas; and

Whereas, Significant advances have been made in other states in the development of techniques and methods for controlling and eliminating urban problems; and

Whereas, The establishment and use of urban affairs agencies to coordinate and direct the application of state and federal planning, research, and financial assistance have been among the most successful of the techniques employed; now, therefore, be it

Resolved by the Senate of the State of Texas, That an interim committee, to be known as the Urban Affairs Study Committee, is hereby created to make a study of urban problems within the State of Texas to determine the most effective method or methods of controlling and eliminating these urban problems, giving special consideration to the expansion of state services on urban problems to local governmental bodies through an urban affairs agency; and, be it further

Resolved, That this special committee shall consist of five members of the Senate, to be appointed by the Lieutenant Governor, to sit at such times and places between the adjournment of the 61st Legislature and the date of the convening of the Regular Session of the 62nd Legislature as may to the committee seem necessary and proper; and, be it further

Resolved, That the committee shall have the power to formulate its own

rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment; and the committee shall have the power to administer oaths and affirmations and fix the bonds for attached witness; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed; and, be it further

Resolved, That the committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and to contract for those research and analysis services as the committee may find necessary; and, be it further

Resolved, That the Texas Employment Commission, the Attorney General's Department, the Texas Legislative Council, and other state departments or agencies concerned with the matter, as well as certain officials of cities and counties, be requested to cooperate with the committee; and, be it further

Resolved, That the committee shall prepare a budget for its operating expenses, which shall be submitted to the Contingent Expenses Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expenses must also be obtained from the Contingent Expenses Committee of the Senate; and, be it further

Resolved, That the committee shall make a complete report to the 62nd Legislature, to include findings and recommendations, and and proposed legislation considered necessary for their implementation.

JORDAN  
MAUZY  
STRONG  
KENNARD  
BERNAL

The resolution was read and was referred to the Committee on Contingent Expenses.

#### House Concurrent Resolution 116 on Second Reading

On motion of Senator Brooks, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. 116, Creating an Interim Committee to continue the study ini-

tiated through H. C. R. No. 129 of the 60th Legislature.

The resolution was read.

Question—Shall H. C. R. No. 129 be adopted?

Senator Brooks offered the following Committee Amendment to the resolution:

Amend H. C. R. 116 by adding between the fourth and fifth resolving clauses a new resolving clause to read as follows:

"Resolved, That the staff of the Texas Legislative Council be and it is hereby requested to assist the Committee in this study; and, be it further"

The Committee Amendment was read and was adopted.

On motion of Senator Brooks, and by unanimous consent, the resolution as amended was considered immediately and was adopted.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. C. R. No. 40, Dedicating certain lands in Travis County to City of Austin for street purposes.

S. C. R. No. 41, Dedicating certain land in Travis County to City of Austin for street purposes.

H. B. No. 96, A bill to be entitled "An Act providing for the payment of state assistance to the surviving spouse and minor children of members of organized volunteer fire fighting units, members of organized law enforcement reserve units, and employees of the Texas Youth Council suffering violent death while in the performance of their duties; etc.; and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act creating a Texas State Board of Landscape Architects; etc., and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act relating to travel and expenses and automobile depreciation allowance for county commissioners in certain counties; and declaring an emergency."

H. B. No. 431, A bill to be entitled "An Act granting to the Governor or

any city or town the power, under stated conditions, to declare a state of emergency; etc., and declaring an emergency."

H. B. No. 506, A bill to be entitled "An Act relating to the definition of dependent and neglected children; etc.; and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act providing for the appointment by the Judge of the 16th Judicial District of Texas, composed of the Counties of Cooke and Denton, of an Official Shorthand Reporter for said judicial district; etc., and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act creating the County Court at Law of Denton County, Texas; providing for its jurisdiction, terms, personnel, administration, and practice; and declaring an emergency."

H. B. No. 747, A bill to be entitled "An Act relating to the compensation for assistants to the county superintendent in certain counties; and declaring an emergency."

H. B. No. 1111, A bill to be entitled "An Act validating all proceedings and actions taken in the creation of Harris County Water Control and Improvement District No. 71, etc., and declaring an emergency."

H. B. No. 1296, A bill to be entitled "An Act amending Statutes relating to the salary of the Hutchinson County Juvenile Officer and the appointment of assistant juvenile officers for Hutchinson County; and declaring an emergency."

H. B. No. 1302, A bill to be entitled "An Act relating to the size limit of catfish in Chambers County; providing a penalty; and declaring an emergency."

H. B. No. 1303, A bill to be entitled "An Act relating to the open season and retention limit for quail in Chambers County; providing a penalty; and declaring an emergency."

H. B. No. 1331, A bill to be entitled "An Act amending Statutes relating to the compensation of the court reporter for the Second 9th Judicial District; and declaring an emergency."

H. B. No. 1333, A bill to be entitled "An Act relating to extending the



moratorium on the taking of alligators in Chambers County; etc.; and declaring an emergency."

H. B. No. 1377, A bill to be entitled "An Act providing that in all counties of the State of Texas, having a population of not less than 34,240 and not more than 34,420, according to the last preceding federal census, any such county, or any city or town located in any such county, may cooperate with the Governor's Committee on Aging; etc., and declaring an emergency."

H. B. No. 1404, A bill to be entitled "An Act amending Statutes, granting additional powers to cities and towns in regard to mass transportation services in urban areas; etc.; and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act authorizing and directing the Board of Regents of The University of Texas System to establish and maintain a dental branch of The University of Texas System; etc., and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act relating to the change fund in certain counties; etc.; and declaring an emergency."

H. B. No. 768, A bill to be entitled "An Act amending Statutes, providing for fees of tax assessors-collectors for issuing license receipts and license plates; etc.; and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act to authorize the establishment of special day schools for deaf scholastics between the scholastic age of six and twenty-one years, inclusive, in any two contiguous counties whose cumulative population exceeds 250,000 but does not exceed 335,000 according to the last preceding Federal Census; etc.; and declaring an emergency."

H. B. No. 868, A bill to be entitled "An Act amending Statutes so as to provide for an administrative assistant to the Judge of the Probate Court Number 2 of Dallas County, and to provide an annual salary for the administrative assistant; etc., and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act amending Statutes as amended to extend the due date for payment

and reporting of the franchise tax from on or before May 1st to on or before June 15th; to clarify the duties of the Comptroller and the Secretary of State where appropriate in the amended Articles to conform with Article 12.22 of said Chapter; etc.; and declaring an emergency."

H. B. No. 1052, A bill to be entitled "An Act relating to salaries of certain county and precinct officers and employees; repealing laws in conflict; and declaring an emergency."

H. B. No. 1176, A bill to be entitled "An Act relating to the imposition, collection, administration, and enforcement of a tax on certain special fuels; etc.; and declaring an emergency."

H. B. No. 414, A bill to be entitled "An Act relating to the power of the Parks and Wildlife Commission to acquire interest in real property; etc.; and declaring an emergency."

H. J. R. No. 22, Proposing an amendment to Article III of the Texas Constitution, adding Section 64, to provide for consolidating offices and functions of government by Act of the Legislature and for performance of governmental functions by contract between political subdivisions in Bexar County.

H. C. R. No. 145, Congratulating Dr. Herbert Edward Roensch of Bellville.

#### Recess

On motion of Senator Aikin the Senate at 11:40 o'clock a.m. took recess until 3:30 o'clock p.m. today.

#### After Recess

The Presiding Officer (Senator Aikin in the Chair) called the Senate to order at 3:30 o'clock p.m. today.

#### Report of Standing Committee

Senator Moore, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B.

No. 586, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 766. House conferees are: Harris, Neugent, Braun, Caldwell, Nichols.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 727. House conferees are: Cory, Uhar, Hubenak, Wieting, Neugent of Kerr.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 824. House conferees are: Harris, Neugent, Braun, Caldwell, Nichols.

The House refused to concur in Senate amendments to House Bill No. 1070 and has requested the appointment of a Conference Committee to consider the difference between the two Houses. House conferees are: Jungmichel, Price, Blanton, Pickens, Atwood.

The House refuses to concur in Senate amendments to House Bill 1327 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House conferees are: Caldwell, Allen of Harris, Parker of Jefferson, Weldon, Newman.

S. B. No. 847, A bill to be entitled "An Act authorizing the governing boards of state-supported institutions of higher education, including public junior colleges, to charge a facilities use fee to full-time students; preventing increases in other authorized fees

during the 1969-1970 academic year; providing that the revenue from this fee is to be used for faculty salaries only; and declaring an emergency."

(With Amendment.)

All necessary rules suspended, the House refused to concur in Senate amendments to House Bill 156 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House conferees are: Cruz, Longoria, Price, T. Shannon, Solomon.

S. C. R. No. 104, Commending Harry Ledbetter.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

### Vote on Final Passage of Senate Concurrent Resolution 103 Reconsidered

On motion of Senator Watson, and by unanimous consent, the vote by which S. C. R. No. 103 was adopted was reconsidered.

Question—Shall S. C. R. No. 103 be adopted?

The resolution was again adopted by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

### House Concurrent Resolution 144 Ordered Not Printed

On motion of Senator Creighton, and by unanimous consent, H. C. R. No. 144 was ordered not printed.

### House Concurrent Resolution 144 on Second Reading

On motion of Senator Creighton, and by unanimous consent, the regu-

lar order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 144, Giving Robert L. Menconi of San Antonio the consent of the State of Texas to bring suit against the State of Texas, the Texas Highway Department, and the Texas Highway Commission.

The resolution was read.

On motion of Senator Creighton, and by unanimous consent, the resolution was considered immediately and was adopted.

(President in the Chair.)

#### Senate Resolution 957

By unanimous consent, Senator Wilsin offered the following resolution:

Whereas, The cost of public assistance to the four classes of beneficiaries—needy aged, needy disabled, needy blind, and needy children—has been steadily increasing through the years since the State of Texas began paying benefits in 1933 after a constitutional amendment was adopted authorizing such payments; and

Whereas, With the increase in benefits and beneficiaries, the program of the Public Welfare Department in Texas has been expanded and the staff has been enlarged to accommodate the continuing new demands placed upon the system; and

Whereas, It is advisable that the entire Public Welfare system in Texas be reviewed, so that the State of Texas and welfare recipients may receive the greatest value for dollars expended; now, therefore, be it

Resolved, That the Senate of the 61st Legislature hereby create a special interim committee to make a thorough study of possible reforms in the general welfare system in Texas, including both a study of Texas statutes and constitutional provisions relating to public welfare and the administration of these provisions, and that the committee direct particular attention toward ascertaining methods of establishing more stringent paternal responsibility in the area of illegitimacy; and, be it further

Resolved, That the committee shall be composed of three Senators, appointed by the Lieutenant Governor, who shall name one of them as vice chairman of the committee; and six

lay members, also appointed by the Lieutenant Governor, who shall name one of them as the chairman of the committee; and, be it further

Resolved, That the committee shall conduct hearings throughout the state and summon and compel the attendance of witnesses and the production of documents and records; the committee chairman or any member thereof may administer oaths to witnesses; and, be it further

Resolved, That state departments and agencies concerned with public welfare are requested to give full cooperation to the committee in the study; and, be it further

Resolved, That actual expenses of members of the committee, the salary of a full-time secretary, and other necessary expenses of operation in connection with committee activities shall be paid from the Contingent Expenses Fund of the Senate; the committee shall prepare a budget for its operating expenses, which shall be submitted to the Contingent Expenses Committee of the Senate, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expenses must also be obtained from the Contingent Expenses Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation that may be proposed, to the 62nd Legislature when it convenes in January, 1971.

The resolution was read and was referred to the Committee on Contingent Expenses.

#### Committee Substitute Senate Bill 181 on Second Reading

On motion of Senator Bernal, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 181, A bill to be entitled "An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of the General Revenue Fund and the other funds designated herein; requiring approval of the claims in the manner specified in the Act before payment is made; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Committee Substitute  
Senate Bill 181 on Third Reading**

Senator Bernal moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 1074 Ordered Not Printed**

On motion of Senator McKool, and by unanimous consent, H. B. No. 1074 was ordered not printed.

**Committee Substitute  
Senate Bill 321 on Second Reading**

On motion of Senator Kennard, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 321, A bill to be entitled "An Act establishing and adopting an Antiquities Code for the State of Texas; setting forth the public policy of the State with respect to archeological and historical sites and items; creating an Antiquities Committee of five members; providing for the organization, compensation, duties, powers and procedures of the

Antiquities Committee; empowering the Antiquities Committee to enter into contracts for research and salvage activities on State Archeological Landmarks; creating and defining State Archeological Landmarks; providing for the designation of certain sites on private lands as State Archeological Landmarks with the consent of the owner thereof; providing for a system of permits and contracts for the salvage of treasures embedded in the earth and the excavation or study of archeological and historical sites and objects; providing the State Archeologist with the power to promulgate reasonable rules and regulations concerning salvage and other study of State Archeological Landmarks; empowering the Antiquities Committee to determine the disposition and repository of objects and artifacts recovered by such salvage and study operations; providing for means of fair compensation to the salvager operating under permit from the Antiquities Committee; empowering the Antiquities Committee to accept gifts, devises and bequests, and to otherwise purchase and acquire from the permittee objects deemed by the Antiquities Committee to be important enough to remain the property of the State of Texas; making it unlawful to forge or duplicate an archeological artifact or object with intent to deceive or to offer said object for sale; making it unlawful to intentionally deface aboriginal or Indian rock art; making it unlawful to enter the enclosed lands of another without permission and intentionally take, damage or destroy any archeological or historical site, structure or monument on private lands; providing a penalty for violations of this Act; providing for injunctive relief for violations of this Act and providing for venue thereof; providing a saving clause; repealing laws in conflict and designated prior laws; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Committee Substitute  
Senate Bill 321 on Third Reading**

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word

## Nays—1

Patman

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Vote

Senator Ratliff asked to be recorded as voting "Nay" on the final passage of the bill.

## Reports of Standing Committee

Senator Patman, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to which was referred H. B. No. 293, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATMAN, Chairman.

Senator Brooks, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to which was referred H. B. No. 226, have had the same under consideration, and we

are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROOKS, Chairman  
BERNAL  
BRIDGES  
McKool  
WILSON

## Leave of Absence

Senator Jordan was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

## House Bill 761 on Second Reading

Senator Word asked unanimous consent to suspend the regular order of business and take up H. B. No. 761 for consideration at this time.

There was objection.

Senator Word then moved to suspend the regular order of business and take up H. B. No. 761 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—23

Aikin	Harrington
Bates	Harris
Bernal	Hazlewood
Berry	Kennard
Bridges	Ratliff
Brooks	Schwartz
Christie	Snelson
Cole	Strong
Connally	Watson
Creighton	Wilson
Grover	Word
Hall	

## Nays—4

Herring	Mauzy
Hightower	Patman

## Absent

Blanchard	Moore
McKool	

## Absent—Excused

Jordan

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 761, A bill to be entitled "An Act relating to certain covenants of indemnification in contracts or agreements pertaining to construc-

tion, alteration, maintenance, or repair of certain improvements to or on real property; providing for severability; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### Record of Votes

Senators Mauzy, Grover, McKool, Watson, Brooks and Patman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### House Bill 761 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 761 be placed on its third reading and final passage.

#### Yeas—22

Aikin	Harrington
Bates	Harris
Bernal	Hazlewood
Berry	Kennard
Bridges	Ratliff
Brooks	Schwartz
Christie	Snelson
Cole	Strong
Connally	Watson
Creighton	Wilson
Hall	Word

#### Nays—5

Grover	Mauzy
Herring	Patman
Hightower	

#### Absent

Blanchard	Moore
McKool	

#### Absent—Excused

Jordan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Mauzy, Grover, Brooks, McKool, Watson and Patman asked to be recorded as voting "Nay" on the final passage of the bill.

#### House Bill 108 on Second Reading

On motion of Senator Creighton, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

H. B. No. 108, A bill to be entitled "An Act creating a time limitation within which actions must be brought against any registered or licensed engineer or architect in this State performing or furnishing design, planning or inspection of construction of any structure or improvement thereon; and declaring an emergency."

The bill was read the second time.

Senator Creighton offered the following Committee Amendment to the bill:

Amend H. B. 108 by striking all of Section 1 and substituting in lieu thereof the following:

Section 1. There shall be commenced and prosecuted within ten years after the substantial completion of any improvement to real property or the commencement of operation of any equipment attached to real property, and not afterward, all actions or suits in court for damages for any injury, damages or loss to property, real or personal, or for any injury to a person, or for wrongful death, arising out of the defective or unsafe condition of any such real property or any equipment or improvement attached to such real property, for contribution or indemnity for damages sustained on account of such injury, damages, loss or death against any registered or licensed engineer or architect in this state performing or furnishing the design, planning, inspection of construction of any such improvement, equipment or structure or against any such person so performing or furnishing such design, planning, inspection of construction of any such improvement, equipment, or structure; provided, however, if the claim for damages, contribution or indemnity has been presented in writing to the registered or licensed engineer or architect performing such services within the ten-year period of limitation, said period shall be extended to include two years from the time such notice in writing is presented.

The Committee Amendment was read and was adopted.

On motion of Senator Creighton, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to third reading.

#### House Bill 108 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word

#### Absent

Blanchard                      Moore

#### Absent—Excused

Jordan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Concurrent Resolution 123 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 123, Expressing gratitude to Governor's Committee on Public School Education.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution

was considered immediately and was adopted.

#### Reports of Standing Committees

Senator Herring, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 1078, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 846, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 34, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 795, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 758, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 935, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 47, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 643, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 63, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 781, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 947, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 769, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 57, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B.



No. 760, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 1006, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 142, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. H. B. No. 142 was read the first time.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred H. C. R. No. 15, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Strong, by unanimous consent, submitted the following reports:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred S. B. No. 852, have had the same under consideration, and we are

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRONG, Chairman.

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred S. B. No. 853, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRONG, Chairman.

Senator Hall, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on County, District and Urban Affairs, to which was referred H. B. No. 1455, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD

#### Senate Bill 547 with House Amendments

Senator Kennard called S. B. No. 547 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend Senate Bill 547 "Section 4. Powers" at Line 29 on Page 2 by striking the wording on Line 29 and substituting in lieu thereof the following:

"Under this Act, a Regional Planning Commission shall be a political subdivision of this State, the general purpose of which is"

#### Amendment No. 2

Amend Senate Bill 547 "Section 4. Powers" by striking the wording on

Line 50 on Page 2 through Line 59 and substituting in lieu thereof the following:

"A commission may purchase, lease or otherwise acquire, hold, sell or otherwise dispose of real and personal property. It may employ such staff, and consult with and retain such experts as it deems necessary. It may provide for retirement benefits for its employees by means of a jointly contributory retirement plan with an agency, firm, or corporation authorized to do business in this state."

#### Amendment No. 3

Amend Senate Bill 547, "Section 9. Dissolution" on Line 3 of Page 4 by striking the entire wording on Lines 2 and 3, 4 and 5, and substituting in lieu thereof the following:

"Unless it has been agreed to the contrary, any participating governmental unit may, by a majority vote of its membership qualified in serving, withdraw from its participation in any Regional Planning Commission."

The House Amendments were read.

Senator Kennard moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 852 Ordered Not Printed

On motion of Senator Strong, and by unanimous consent, S. B. No. 852 was ordered not printed.

#### Senate Bill 853 Ordered Not Printed

On motion of Senator Strong, and by unanimous consent, S. B. No. 853 was ordered not printed.

#### Senate Bill 852 on Second Reading

Senator Strong moved that Senate Rules 13, 30, 110 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 852 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bernal
Bates	Berry

Blanchard	Hightower
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Jordan

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 852, A bill to be entitled "An Act relating to voter registration and absentee voting by members of the armed forces and other categories of voters covered by the Federal Voting Assistance Act of 1955; etc.; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Senate Bill 852 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended, the President laid S. B. No. 852 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—30

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word

Absent—Excused

Jordan

#### Senate Bill 853 on Second Reading

Senator Strong moved that Senate

Rules 13, 30, 110 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 853 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word

## Absent—Excused

Jordan

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 853, A bill to be entitled "An Act relating to proof of rendition of property for taxation by voters in elections for issuing bonds, lending credit, expending money, or assuming debt; amending Section 35, Texas Election Code, as amended (Article 5.03, Vernon's Texas Election Code), to delete an obsolete provision relating to a list of owners of taxable property to be prepared by the tax collector; etc.; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

## Senate Bill 853 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended, the President laid S. B. No. 853 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

## Yeas—30

Aikin	Bernal
Bates	Berry

Blanchard	Hightower
Bridges	Kennard
Brooks	Mauzy
Christie	McKool
Cole	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Strong
Harris	Watson
Hazlewood	Wilson
Herring	Word

## Absent—Excused

Jordan

## Senate Bill 654 on Second Reading

Senator Schwartz asked unanimous consent to suspend the regular order of business and take up S. B. No. 654 for consideration at this time.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and take up S. B. No. 654 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—23

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Mauzy
Blanchard	Moore
Bridges	Schwartz
Brooks	Snelson
Christie	Strong
Cole	Watson
Creighton	Wilson
Harrington	Word
Harris	

## Nays—6

Grover	McKool
Hall	Patman
Kennard	Ratliff

## Absent

Connally

## Absent—Excused

Jordan

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 654, A bill to be entitled "An Act relating to the definition of

'money, property, or other valuable thing' in Penal Statutes; amending Article 630, Penal Code of Texas, 1925; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend S. B. 654 by striking Section 1 and substituting the following Section 1 therein:

Section 1. Article 630, Penal Code of Texas, 1925, is amended by striking the present subparagraph (b) thereof and enacting the following subparagraph (b):

(b) An immediate and unrecorded right of replay mechanically conferred on players of pinball machines and similar devices, or an indicated right of replay which can be removed only by playing said machine is not intended to be included in the phrase "money, property, or other valuable thing" in this chapter or any other related Statute of this State.

The amendment was read and was adopted.

On motion of Senator Schwartz, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill was read second time and was passed to engrossment.

#### Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 654 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 654 be placed on its third reading and final passage:

The motion prevailed by the following vote:

Yeas—25

Aikin	Creighton
Bates	Hall
Bernal	Harrington
Berry	Harris
Bridges	Hazlewood
Brooks	Herring
Christie	Hightower
Cole	Kennard
Connally	Mauzy

Moore	Watson
Schwartz	Wilson
Snelson	Word
Strong	

Nays—4

Grover	Patman
McKool	Ratliff

Absent

Blanchard

Absent—Excused

Jordan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Patman and McKool asked to be recorded as voting "Nay" on the final passage of the bill.

#### Report of Standing Committee

Senator Aikin, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 467, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman  
MAUZY  
KENNARD  
SNELSON  
RATLIFF  
WILSON  
WORD  
BERNAL  
HALL

#### Senate Resolution 958

By unanimous consent, Senator Schwartz offered the following resolution:

Whereas, Texans have ever been cognizant of the beauty and charm of Galveston, with its blue waters, white sands and vivid colors of its tropical plants and flowers, but only recently has a hit song been written and recorded glorifying this fair city; and

Whereas, It is the desire of the Senate to recognize the two persons most responsible for the success of the song "Galveston"; the writer of the words and music, Jim Webb, and Glenn Campbell, the vocalist whose recording has risen to the status of "best seller" in the past few months; and

Whereas, Jim Webb's success has come to him at the young age of 23; he has written a number of hit songs, and in 1968, he was awarded a total of eight Grammy Awards, the top award in the industry, for his song "By the Time I Get to Phoenix," and "Up, Up and Away"; and

Whereas, Glenn Campbell received national recognition in 1967 when he recorded his first big hit song, "Gentle on My Mind"; since then his popularity has grown rapidly, and he has recorded such other hit songs as "By the Time I Get to Phoenix" and "Wichita Lineman"; he now has his own weekly network television show; now, be it

Resolved, That the Senate of the 61st Legislature express our appreciation to Jim Webb for his great talent and for selecting Galveston as the subject for a song; and, be it further

Resolved, That the Senate also commend Glenn Campbell for his unique and beautiful rendition of "Galveston" which has rocketed to national popularity.

#### SCHWARTZ

Signed: Lieutenant Governor Ben Barnes; Aikin, Bates, Bernal, Berry, Blanchard, Bridges, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, McKool, Moore, Patman, Ratliff, Snelson, Strong, Watson, Wilson and Word.

The resolution was read and was adopted.

On motion of Senator Hightower, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

#### House Bill 190 on Second Reading

On motion of Senator McKool, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading and passage to third reading:

H. B. No. 190, A bill to be entitled "An Act to Amend Article 3.40 of the Insurance Code, to insert in Section 5 thereof an additional exception to provide that interests in producing minerals or producing royalties acquired prior to April 1, 1959, shall be excepted from the provisions of the said Section 7; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 190 on Third Reading

Senator McKool moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Cole	Patman
Connally	Ratliff
Creighton	Snelson
Grover	Watson
Hall	Wilson
Harrington	Word
Harris	

#### Present—Not Voting

Schwartz

#### Absent

Blanchard Strong

#### Absent—Excused

Jordan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the final passage of the bill.

**House Bill 1078 Ordered Not Printed**

On motion of Senator Creighton, and by unanimous consent, H. B. No. 1078 was ordered not printed.

**House Bill 1078 on Second Reading**

On motion of Senator Creighton, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1078, A bill to be entitled "An Act amending Article 666-4(b), Penal Code of Texas, 1925, making it lawful for any person in any area wet for the limited purpose of the sale of beer, or the sale of beer and wine, having first procured a permit of the class required for such privilege, to import into this State, export from the State, transport, distribute, possess for the purpose of sale, warehouse, and store liquor, distilled spirits, whiskey, gin, brandy, wine, rum, beer and ale."

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend House Bill No. 1078 by striking all below the enacting clause and substituting the following:

Section 1. Section 4, Article I, Texas Liquor Control Act (Article 666-4, Vernon's Texas Penal Code), is amended by adding a new Subsection (b-1) to read as follows:

"(b-1) Anything in this Act to the contrary notwithstanding, it shall not be unlawful for any person in any area wet for the limited purpose of the sale of beer, or the sale of beer and wine to apply for and be issued a Wholesaler's Permit, as described in Section 15, Subsection (6) of Article I of this Act, and to exercise all rights and privileges of such permit holders.

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend House Bill No. 1078 by striking all above the enacting clause and substituting the following:

**A BILL  
TO BE ENTITLED**

An Act adding a new Subsection (b-1) to Section 4, Article I, Texas Liquor Control Act (Article 666-4, Vernon's Texas Penal Code), making it lawful for any person in any area wet for the limited purpose of the sale of beer, or the sale of beer and wine, to secure a Wholesaler's Permit and to exercise the rights and privileges of such permit holders; and declaring an emergency.

The amendment was read and was adopted.

On motion of Senator Creighton, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**House Bill 1078 on Third Reading**

Senator Creighton moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1078 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Harris
Bates	Herring
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Schwartz
Connally	Snelson
Creighton	Strong
Grover	Watson
Hall	Wilson
Harrington	Word

Nays—3

Blanchard	Ratliff
Hightower	

**Absent**

Hazlewood

**Absent—Excused**

Jordan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—25**

Aikin	Harris
Bates	Herring
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Cole	Snelson
Connally	Strong
Creighton	Watson
Grover	Wilson
Hall	Word
Harrington	

**Nays—3**

Blanchard	Ratliff
Hightower	

**Absent**

Hazlewood	Moore
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**Absent—Excused**

Jordan

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 465, A bill to be entitled "An Act amending Subsection (2), Article 3.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, to exclude from the natural gas tax gas used for fuel in field operations in connection with exploring, developing, or producing oil or gas where such gas is produced and used in the field or on the lease where produced by the same operator as the term operator is defined in Article 3.04(15); amending Article

3.04, Title 122A, Taxation—General Revised Civil Statutes of Texas, 1925, by adding Subsection (15) to define the term 'operator' referred to in Article 3.01(2)(d); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Bills and Resolutions Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 141, In memory of Mrs. Georgia Tucker Laschinger.

H. B. No. 684, A bill to be entitled "An Act amending statutes relating to qualifications of state bank examiners, etc.; and declaring an emergency."

(Again signed.)

H. B. No. 1217, A bill to be entitled "An Act relating to depository interest on State Funds; and declaring an emergency."

H. B. No. 1448, A bill to be entitled "An Act providing for transfers of Nine Million Dollars (\$9,000,000) from the 'Operator's and Chauffeur's License Fund' and Five Million Dollars (\$5,000,000) from the 'Motor Vehicle Inspection Fund' to the General Revenue Fund; providing for severability; providing for an effective date of the Act; and declaring an emergency."

Signed, subject to the provisions of Section 49A of Article III of the Constitution.

H. C. R. No. 159, Requesting the House Enrolling and Engrossing Clerk to make necessary technical changes in H. B. No. 84.

H. B. No. 1462, A bill to be entitled "An Act relating to the creation, administration, powers, duties and financing of East Coke County Hospital District; etc.; and declaring an emergency."

**House Bills on First Reading**

The following bills received from the House, were read the first time

and referred to the Committees indicated:

H. B. No. 465, To Committee on Oil and Gas.

H. B. No. 1478, To Committee on Water and Conservation.

#### Senate Resolution 960

Senator Wilson, by unanimous consent, offered the following resolution:

Whereas, Texas is one of the two states in the United States that does not regulate its private and public electrical power utilities monopolies and is the only state in the United States which does not regulate its telephone utilities monopolies; and

Whereas, A total of 56 investor-owned utilities in 23 states last year had a rate of return considerably above the accepted 6 percent, and more of these companies, a total of seven, were operating in Texas than in any other state; and

Whereas, The Federal Communications Commission regulates interstate telephone rates and under that agency's jurisdiction it costs less to make a call from Dallas, Texas, to Texarkana, Arkansas, than to make a call covering the same distance from Dallas, Texas, to Texarkana, Texas, since the intrastate call is under no regulatory authority; and

Whereas, The minimum charge for one party residence telephone service in Houston, Texas is \$5.90 and in Los Angeles, California, it is \$3.85; in Dallas it is \$5.80 and in San Francisco, California, it is \$3.90; in Tyler, Texas, it is \$5.25 and in Monroe, Louisiana, it is \$3.95; and

Whereas, Southwestern Bell Telephone Company of Texas has the highest rate of return on investment that exists anywhere in the United States; and

Whereas, Banks, oil and gas, and transportation are all regulated in Texas, but the utilities monopolies which are not subject to the economic laws of the marketplace, supply and demand, are without regulation; and

Whereas, Many Texans have petitioned their elected representatives to provide some recourse for what they believe to be inferior telephone service; and

Whereas, It is in the public interest that the State of Texas investigate the feasibility of establishing a public

utility regulatory agency; now, therefore, be it

Resolved, That the Senate of the 61st Legislature hereby create a special interim committee of six Senators, to be appointed by the Lieutenant Governor, to study the makeup and procedures of public utility commissions in other states, looking toward the feasibility of establishing a public utility regulatory agency in Texas; and, be it further

Resolved, That the committee may hold meetings in Texas and other states, and in Washington, D. C., in order to collect information and data pertaining to public utility regulation at state and national levels; and, be it further

Resolved, That the committee be authorized to employ a staff, consisting of a full-time accountant, attorney and secretary to assist with the collection, compilation, and analysis of data necessary for a comprehensive study of public utility regulatory methods in other states; and, be it further

Resolved, That actual expenses of members of the committee and other necessary expenses of operation in connection with committee activities, including staff salaries, shall be paid from the Contingent Expenses Fund of the Senate; the committee shall prepare a budget for its operating expenses, which shall be submitted to the Senate Contingent Expenses Committee, and no expenditures shall be made until the budget has been approved. Prior approval of non-budgeted expenses must also be obtained from the Senate Contingent Expenses Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation that may be proposed, to the 62nd Legislature when it convenes in January, 1971.

The resolution was read and was referred to the Committee on Contingent Expenses.

#### Senate Bill 671 on Second Reading

On motion of Senator Hall, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:



S. B. No. 671, A bill to be entitled "An Act creating the Texas Consumer Protection Department and prescribing its organization, powers, duties, and functions; providing for enforcement of laws and regulations designed to protect the consumer; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Record of Vote

Senator Watson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Motion to Place

##### Senate Bill 671 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 671 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

#### Yeas—22

Aikin	Hazlewood
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Cole	Snelson
Connally	Strong
Hall	Wilson
Harrington	Word

#### Nays—6

Blanchard	Harris
Creighton	Herring
Grover	Watson

#### Absent

Moore	Ratliff
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#### Absent—Excused

Jordan

#### Committee Substitute

##### House Bill 764 on Second Reading

On motion of Senator Word, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 764, A bill to be entitled "An Act relating to the powers and duties of commodity producers boards, the purposes of their programs, rates of assessments on producers, elections, eligibility to vote, collection of assessments, refunds, increase in assessments, exemptions, and definitions of 'agricultural commodity' and 'processor'; prohibiting use of certain funds for certain political activity and prescribing a penalty; amending Sections 1, 2, 3, 5, 6, 8, 14, and 15, Chapter 462, Acts of the 60th Legislature, Regular Session, 1967 (Article 55c, Vernon's Texas Civil Statutes), and adding Sections 2A, 14A and 15A; and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend H. B. No. 764 by adding a new section to be numbered Section 16 of Section 1 of the bill to read as follows:

"Section 16. BUDGET APPROVAL. The board of any producer agricultural commodity shall prepare a budget in advance of the expenditure of any funds which shall be filed with the Commissioner of Agriculture. The Commissioner of Agriculture shall review the budget and shall approve or reject the budget. Once approval of the budget is obtained then the funds may be expended. All funds are subject to audit by the State Auditor."

The amendment was read and was adopted.

On motion of Senator Word, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

##### House Bill 764 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three

several days be suspended and that H. B. No. 764 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Connally	Snelson
Creighton	Strong
Hall	Watson
Harrington	Wilson
Harris	Word

## Nays—1

Grover

## Absent

Moore

## Absent—Excused

Jordan

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Herring
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Connally	Snelson
Creighton	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

## Nays—1

Grover

## Absent—Excused

Jordan

## House Bill 586 Ordered Not Printed

Senator Brooks asked unanimous consent not to print H. B. No. 586.

There was objection.

Senator Brooks then moved not to print H. B. No. 586.

The motion not to print prevailed by the following vote:

## Yeas—21

Aikin	Harrington
Bates	Harris
Bernal	Hazlewood
Berry	Hightower
Bridges	Kennard
Brooks	Ratliff
Christie	Snelson
Cole	Watson
Connally	Wilson
Grover	Word
Hall	

## Nays—6

Blanchard	Patman
Creighton	Schwartz
Mauzy	Strong

## Absent

Herring	Moore
McKool	

## Absent—Excused

Jordan

Conference Committee Report  
on Senate Bill 147

Senator Herring, by unanimous consent, submitted the following Conference Committee Report on S. B. No. 147:

Austin, Texas,  
May 23, 1969.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 147 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HERRING  
COLE  
BROOKS

CREIGHTON  
RATLIFF  
On the part of the Senate.

JUNGMICHEL  
NUGENT  
of Galveston  
CORY  
CLAYTON  
CLARK

On the part of the House.

S. B. No. 147,

A BILL  
TO BE ENTITLED

An Act amending, revising, and rearranging the Texas Water Quality Act of 1967 (Article 7621d-1, Vernon's Texas Civil Statutes) to improve the structure of the act and to provide for more effective control of water quality in this state; continuing the current board members in office; providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 313, Acts of the 60th Legislature, Regular Session, 1967 (Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"SUBCHAPTER A.  
GENERAL PROVISIONS

"Section 1.01. SHORT TITLE. This Act may be cited as the Texas Water Quality Act.

"Section 1.02. POLICY AND PURPOSE. It is the policy of this state and the purpose of this Act to maintain the quality of the water in the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, and the economic development of the state; to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state; and to require the use of all reasonable methods to implement this policy.

"Section 1.03. DEFINITIONS. As used in this Act, unless the context requires a different definition:

"(1) 'person' means individual, corporation, organization, government or

governmental subdivision or agency, business trust, partnership, association, or any other legal entity;

"(2) 'board' means the Texas Water Quality Board;

"(3) 'executive director' means the executive director of the Texas Water Quality Board;

"(4) 'water' or 'water in the state' means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico within the territorial limits of the State of Texas, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially within or bordering the state or within the jurisdiction of the state;

"(5) 'waste' means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, or other waste, as defined in this section;

"(6) 'sewage' means water-borne human waste and waste from domestic activities, such as washing, bathing and food preparation.

"(7) 'municipal waste' means water-borne liquid, gaseous, or solid substances that result from any discharge from a publicly owned sewer system, treatment facility, or disposal system;

"(8) 'recreational waste' means water-borne liquid, gaseous, or solid substances that emanate from any public or private park, beach, or recreational area;

"(9) 'agricultural waste' means water-borne liquid, gaseous, or solid substances that arise from the agriculture industry and agricultural activities, including without limitation agricultural animal feeding pens and lots, structures for housing and feeding agricultural animals, and processing facilities for agricultural products; the term 'agricultural waste' does not include tail-water or runoff water from irrigation, or rainwater runoff from cultivated or uncultivated range lands, pasture lands and farm lands, and these items are, if they may cause impairment of the quality of the water in the state, included in the term 'other waste';

"(10) 'industrial waste' means water-borne liquid, gaseous, or solid substances that result from any process of industry, manufacturing, trade, or business;

"(11) 'other waste' means garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, salt water, or any other substance, other than sewage, industrial waste, municipal waste, recreational waste, or agricultural waste, that may cause impairment of the quality of water in the state; 'other waste' also includes tailwater or runoff water from irrigation, or rainwater runoff from cultivated or uncultivated range lands, pasture lands and farm lands, that may cause impairment of the quality of the water in the state;

"(12) 'pollution' means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose;

"(13) 'sewer system' means pipelines, conduits, storm sewers, canals, pumping stations, force mains, and all other constructions, devices, and appurtenant appliances used to transport waste;

"(14) 'treatment facility' means any plant, disposal field, lagoon, incinerator, area devoted to sanitary landfills, or other facility installed for the purpose of treating, neutralizing or stabilizing waste;

"(15) 'disposal system' means any system for disposal of waste, including sewer systems and treatment facilities;

"(16) 'local government' means an incorporated city, a county, a river authority, or a water district or authority acting under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution;

"(17) 'permit' means an order issued by the board in accordance with the procedures prescribed in this Act establishing the treatment which shall be given to wastes being discharged into or adjacent to any water in the state to preserve and enhance the quality of the water, and specifying the conditions under which the discharge may be made;

"(18) 'to discharge' includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of; or to allow, permit or suffer any such act or omission; and

"(19) 'rule' includes regulation.

"Section 1.04. OWNERSHIP OF UNDERGROUND WATER. Nothing in this Act affects ownership rights in underground water.

"Section 1.05. PRIOR ACTIONS OF POLLUTION CONTROL BOARD VALIDATED. (a) All permits, orders, rules, regulations, water quality criteria, water quality standards, water quality requirements, and other actions issued, taken, performed, or established by the Texas Water Pollution Control Board under Chapter 42, Acts of the 57th Legislature, 1st Called Session, 1961, as amended (Article 7621d, Vernon's Texas Civil Statutes), to the extent authorized under that Act, are validated and remain in effect unless and until amended or superseded by order of the Texas Water Quality Board, and are administered by and under the jurisdiction of the Texas Water Quality Board. Any permit or order of the Texas Water Pollution Control Board, created under Chapter 42, Acts of the 57th Legislature, 1st Called Session, 1961, as amended (Article 7621d, Vernon's Texas Civil Statutes), in litigation on the effective date of this Act shall not be affected by this Section, and the rights of the complaining party are expressly reserved.

"(b) Where the Texas Water Pollution Control Board is referred to in any statute, rule, or regulation, the reference shall be construed to mean the Texas Water Quality Board.

"Section 1.06. BOARD AS PRINCIPAL AUTHORITY. The Texas Water Quality Board is the principal authority in the state on matters relating to the quality of the water in the state. The board has the responsibility for establishing a water quality sampling and monitoring program for the State of Texas. All other state agencies engaged in water quality or water pollution control activities shall coordinate those activities with the board.

"Section 1.07. DUTY OF WATER DEVELOPMENT BOARD. The Texas Water Development Board shall investigate all matters concerning the qual-

ity of groundwater in the state and shall report its findings and recommendations to the board. Nothing in this Act affects the powers and duties of the Texas Water Development Board under Chapter 82, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 7621b, Vernon's Texas Civil Statutes). The Texas Water Development Board and the Texas Water Well Drillers Board shall continue to exercise the authority granted to them in Chapter 264, Acts of the 59th Legislature, Regular Session, 1965 (Article 7621e, Vernon's Texas Civil Statutes).

"Section 1.08. DUTY OF THE PARKS AND WILDLIFE DEPARTMENT. The Parks and Wildlife Department and its authorized employees shall enforce the provisions of this Act to the extent that any violation affects aquatic life and wildlife, as provided in Subsection (b) of Section 4.03 of this Act.

"Section 1.09. DUTY OF HEALTH DEPARTMENT. The State Department of Health shall continue to apply the authority vested in it by Chapter 234, Acts of the 49th Legislature, 1945, as last amended by Chapter 446, Acts of the 57th Legislature, Regular Session, 1961 (Article 4477-1, Vernon's Texas Civil Statutes), in the abatement of nuisances resulting from pollution not otherwise covered by this Act. The State Department of Health shall investigate and make recommendations to the board concerning the health aspects of matters related to the quality of the water in the state.

"Section 1.10. DUTY OF RAILROAD COMMISSION. The Texas Railroad Commission is solely responsible for the control and disposition of waste and the abatement and prevention of pollution of surface and subsurface water resulting from activities associated with the exploration, development, and production of oil or gas. The Texas Railroad Commission may issue permits for the discharge of waste resulting from these activities, and discharge of waste into any water in this state resulting from these activities shall meet the water quality standards established by the board. Nothing in this Act affects the powers and duties of the Texas Railroad Commission under Chapter 82, Acts of the 57th

Legislature, Regular Session, 1961, as amended (Article 7621b, Vernon's Texas Civil Statutes).

"Section 1.11. EFFECT ON PRIVATE REMEDIES. Nothing in this Act affects the right of any private corporation or individual to pursue any available common-law remedy to abate a condition of pollution or other nuisance or to recover damages.

"Section 1.12. SECRET PROCESSES, ETC. Nothing in this Act requires any person to disclose any classified data of the federal government or any confidential information relating to secret processes or economics of operation.

"Section 1.13. REPEAL OF OTHER LAWS. All general, local, and special laws enacted before the effective date of this Act are repealed to the extent that those laws give local governments the authority to set and enforce water quality criteria other than those adopted by the board under this Act.

#### "SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

"Section 2.01. TEXAS WATER QUALITY BOARD. The Texas Water Quality Board is an agency of the state.

"Section 2.02. MEMBERS OF BOARD. The board is composed of seven members, chosen as follows: Three are appointed by the governor with the advice and consent of the senate; and the other four are the executive director of the Texas Water Development Board, the state commissioner of health, the executive director of the Parks and Wildlife Department, and the chairman of the Texas Railroad Commission. Each of the latter four shall perform the duties of a member of the board as additional duties required of him in his other official capacity.

"Section 2.03. TERMS OF APPOINTED MEMBERS. The members appointed by the governor hold office for staggered terms of six years, with the term of one member expiring on the 1st day of September in each odd-numbered year. Each appointed member holds office until his successor is appointed and has qualified.

"Section 2.04. QUALIFICATION BY MEMBERS; VACANCIES; RECORDS. (a) A member appointed by

the governor while the Senate is in session is qualified to serve on the board after his nomination has been confirmed by the Senate and upon taking the Constitutional oath of office. A member appointed by the governor while the Senate is not in session is qualified to serve upon taking the Constitutional oath of office, and serves until the expiration of his term or until his nomination is rejected by the Senate, or is not confirmed by the Senate at the next regular or special session thereafter.

"(b) If a vacancy occurs in the office of an appointed member of the board, the position shall be filled by a person appointed by the governor in the same manner as for a regular appointment, and the person so appointed shall serve only to the end of the unexpired term and until his successor is appointed and has qualified.

"(c) The official records of the board shall reflect the date each member's certificate of appointment was issued by the secretary of state, the date he took the oath of office, the person who administered the oath, the date the appointive term began, and the date the term expires.

"Section 2.05. PER DIEM; EXPENSES. (a) A member of the board is not entitled to a salary for duties performed as a member of the board; but each member appointed by the governor is entitled to \$25 each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing, or other authorized business.

"(b) Each member appointed by the governor is entitled to reimbursement for travel and other necessary expenses incurred in performing official duties, as evidenced by vouchers approved by the executive director. Each of the other members is entitled to reimbursement for travel and other necessary expenses incurred in performing official duties for the board, out of funds made available for those purposes to the state agency of the member.

"Section 2.06. PERSONAL REPRESENTATIVES. (a) The executive director of the Texas Water Development Board, the executive director of the Parks and Wildlife Department,

the state commissioner of health, and the chairman of the Texas Railroad Commission may each delegate to a personal representative from his office the authority and duty to represent him on the board; but by this delegation a member is not relieved of responsibility for the acts and decisions of his representative.

"(b) While engaged in performing official board duties as authorized by a member, a personal representative stands in the place of the member for the purpose of participating in and voting on matters at board meetings and hearings, and performing other business of the board. He has all the powers and duties of the member, including the power to take testimony at board hearings.

"(c) A personal representative may serve as either chairman or vice chairman of the board.

"(d) A personal representative is entitled to reimbursement for travel and other necessary expenses incurred in performing official duties for the board to the same extent and in the same manner as the member he represents.

"Section 2.07. BOARD OFFICERS. The board shall elect a chairman and a vice chairman to serve two-year terms beginning on February 1 of each odd-numbered year.

"Section 2.08. BOARD MEETINGS. (a) The chairman, or in his absence the vice chairman, shall preside at all meetings of the board. In the absence of both the chairman and the vice chairman from any meeting of the board, the members of the board present may select one of their number to serve as chairman for the meeting.

"(b) The board shall have regular meetings at times specified by a majority vote of the board.

"(c) The chairman may call special meetings at any time. He shall call a special meeting on written request signed by at least two members of the board.

"(d) A majority of the board constitutes a quorum to transact business.

"Section 2.09. EXECUTIVE DIRECTOR. The board shall employ an executive director. The executive director is the chief administrative officer of the board. In addition to his other duties, he shall keep full and

accurate minutes of all transactions and proceedings of the board; he is the custodian of all of the files and records of the board.

"Section 2.10. DEPUTY DIRECTOR; STAFF. (a) The executive director shall employ a deputy director, subject to the approval of the board. In the absence of the executive director, the deputy director shall assume his duties and functions.

"(b) The executive director shall employ the staff authorized by the board. In addition to its own staff, the board may by interagency contract utilize, and upon request of the board shall receive, the assistance of any state-supported educational institution, experimental station, or other agency.

"(c) When provided by legislative appropriation, the board is authorized to pay the costs of transporting and delivering the household goods and effects of employees transferred by the board from one permanent station to another when, in the judgment of the board, the transfer will serve the best interest of the state.

"Section 2.11. FUNDS FROM OTHER STATE AGENCIES. Any state agency that has statutory responsibilities for water pollution or water quality control and that receives a legislative appropriation for these purposes may transfer to the board any amount mutually agreed on by the board and the agency, subject to the approval of the governor.

"Section 2.12. GIFTS AND GRANTS. The board may apply for, request, solicit, contract for, receive, and accept money and other assistance from any source to carry out its duties.

"Section 2.13. SPECIAL FUND. Money received by the board under Section 2.11 or 2.12 of this code shall be deposited in the state treasury and credited to a special fund. The board may use this fund for salaries, wages, professional and consulting fees, planning and construction grants, loans and contracts, travel expenses, equipment, and other necessary expenses incurred in carrying out its duties under this Act, as provided by legislative appropriation.

"Section 2.14. DOCUMENTS, ETC., PUBLIC PROPERTY. All information, documents, and data collected by the board in the performance of its

duties are the property of the state. Subject to the limitations of Section 1.12 of this Act, all records of the board are public records open to inspection by any person during regular office hours.

"Section 2.15. COPIES OF DOCUMENTS, PROCEEDINGS, ETC. Subject to the limitations of Section 1.12 of this Act, on the application of any person, the board shall furnish certified or other copies of any proceedings or other official act of record, or of any map, paper, or document filed with the board. A certified copy with the seal of the board and the signature of the chairman of the board or the executive director is admissible as evidence in any court or administrative proceeding. The board shall prescribe in its rules the fees which shall be charged for copies and is authorized to furnish copies, certified or otherwise, to a person without charge when the furnishing of the copies serves a public purpose. Any other Acts concerning fees for copies of records do not apply to the board, except that the fees set by the board for copies prepared by the board shall not exceed those prescribed in Article 3913, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 446, Acts of the 59th Legislature, Regular Session, 1965.

"Section 2.16. BIENNIAL REPORTS. The board shall make biennial written reports to the governor and to the Legislature and shall include in each report a statement of its activities.

"Section 2.17. SEAL. The board shall adopt a seal.

#### "SUBCHAPTER C. POWERS AND DUTIES

"Section 3.01. IN GENERAL. The board shall administer the provisions of this Act and shall establish the level of quality to be maintained in, and shall control the quality of, the water in this state as provided by this Act. Waste discharges or impending waste discharges, under the purview of this Act, are, at all times, subject to such reasonable rules, regulations, or orders as the board, in the public interest, may adopt or issue. The board has the powers and duties specifically prescribed by this Act and all other powers necessary or convenient to carry out its responsibilities.

"Section 3.02. STATE WATER QUALITY PLAN. The board shall prepare and develop a general, comprehensive plan for the control of water quality in the state.

"Section 3.03. RESEARCH, INVESTIGATIONS. The board shall conduct, or have conducted, any research and investigations it considers advisable and necessary for the discharge of its duties under this Act.

"Section 3.04. POWER TO ENTER PROPERTY. The members, employees, and agents of the board have the right to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of any water in the state. Any member, employee, or agent who, acting under the authority in this section, enters private property which has management in residence shall notify management, or the person then in charge, of his presence and exhibit proper credentials. Members, employees or agents entering private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection. Should any member, employee or agent of the board be refused the right to enter in or upon such public or private property, the board may have the remedies authorized in Section 4.02 of this Act.

"Section 3.05. POWER TO EXAMINE RECORDS. The members, employees and agents of the board may examine during regular business hours any records or memoranda pertaining to the operation of any sewer system, treatment facility, or disposal system, or pertaining to any discharge of waste.

"Section 3.06. ENFORCEMENT PROCEEDINGS. The board, or the executive director when authorized by the board, may cause legal proceedings to be instituted in courts of competent jurisdiction to compel compliance with the provisions of this Act or the rules, orders, permits, or other decisions of the board.

"Section 3.07. COOPERATION. The board shall:

"(1) encourage voluntary cooperation by the people, cities, industries, associations, agricultural interests, and representatives of other interests in preserving the greatest possible

utility of the water in the state;

"(2) encourage the formation and organization of cooperative groups, associations, cities, industries and other water users for the purpose of providing a medium to discuss and formulate plans for attainment of water quality control;

"(3) establish policies and procedures for securing close cooperation among state agencies that have water quality control functions; and

"(4) cooperate with the governments of the United States and other states, and with official or unofficial agencies and organizations, with respect to water quality control matters and with respect to formulation of interstate water quality control compacts or agreements; when representation of state interests on a basin planning agency for water quality purposes is required under Section 3(c) of the Federal Water Pollution Control Act (33 U.S.C. Sec. 466 et seq.), or other federal legislation having a similar purpose, the representation shall include an officer or employee of the board.

"Section 3.08. CONTRACTS, INSTRUMENTS. The board may make contracts and execute instruments that are necessary or convenient to the exercise of its power or the performance of its duties.

"Section 3.09. RULE-MAKING. The board shall make and enforce rules reasonably required to effectuate the provisions of this Act, including rules governing procedure and practice before the board. The board may amend any rule it makes. In making and amending rules, the board shall comply, as appropriate, with the requirements of Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes).

"Section 3.10. ORDERS. The board is authorized to issue orders and make determinations as may be necessary to effectuate the purposes of this Act. The board shall set forth the findings on which it bases any order granting or denying any special relief requested of the board, or involving a determination following a hearing on an alleged violation of Section 4.01 of this Act, or directing a person to perform or refrain from performing a certain act or activity. The executive director shall attest the orders



of the board. The board, or the executive director when authorized by the board, may issue temporary orders relating to the discharge of waste without notice and hearing, or with such notice and hearing as the Board or the executive director, in its or his judgment, deems practicable under the circumstances when this is necessary to enable action to be taken more expeditiously than is otherwise provided by this Act so as to effectuate the policy and purposes of this Act. If the board or the executive director issues a temporary order under authority of this section without a hearing before the board, the order shall fix a time and place for a hearing to be held before the board, which shall be held as soon after the temporary order is issued as is practicable. The requirements of Section 3.13 of this Act as to the time for notice, newspaper notice and method of giving a person notice do not apply to such a hearing, but such general notice of the hearing shall be given as in the judgment of the board or the executive director is practicable under the circumstances. At the hearing, the board shall affirm, modify or set aside the temporary order. If the nature of the board's action requires, further proceedings shall be conducted as appropriate under other applicable provisions of this Act.

"Section 3.11. HEARING POWERS. The board may call and hold hearings, administer oaths, receive evidence at the hearing, issue subpoenas to compel the attendance of witnesses, and the production of papers and documents related to the hearing, and make findings of fact and decisions with respect to administering the provisions of this Act or the rules, orders or other actions of the board.

"Section 3.12. DELEGATION OF HEARING POWERS. (a) Except for those hearings required to be held before the board under Section 3.10 of this Act, the board may authorize the executive director to call and hold hearings on any subject on which the board may hold a hearing. The board may also authorize the executive director to delegate to one or more employees of the board, or to professional or technical personnel under contract to the board, the authority to hold any hearing called by the executive director. The board may establish the qualifications required of the per-

sons who may be delegated the authority by the executive director to hold hearings. At any hearing called by the executive director, he or the person delegated the authority by him to hold the hearing is empowered to administer oaths and receive evidence.

"(b) The individual or individuals holding a hearing under the authority of this section shall report the hearing in the manner prescribed by the board.

"Section 3.13. NOTICE OF HEARINGS; CONTINUANCE. (a) Except as otherwise specified in Section 3.10 of this Act, the provisions of this section apply to all hearings conducted pursuant to this Act.

"(b) Notice of the hearing shall describe briefly and in summary form the purpose of the hearing and the date, time, and place of the hearing.

"(c) Notice of the hearing shall be published at least once in a newspaper regularly published or circulated in each county where, by virtue of the county's geographical relation to the subject matter of the hearing, the board has reason to believe persons reside who may be affected by the action that may be taken as a result of the hearing. The date of the publication shall be not less than 20 days before the date set for the hearing.

"(d) If notice of the hearing is required by this Act to be given to a person, the notice shall be served personally or mailed to the person at his last address known to the board, not less than 20 days before the date set for the hearing. If the party is not an individual, the notice may be given to any officer, agent, or legal representative of the party.

"(e) The individual or individuals holding the hearing (hereafter in this subsection called the hearing body) shall conduct the hearing at the time and place stated in the notice. The hearing body may continue the hearing from time to time and from place to place without the necessity of publishing, serving, mailing or otherwise issuing a new notice. If a hearing is continued and a time and place for the hearing to reconvene are not publicly announced by the hearing body at the hearing before it is recessed, a notice of any further setting of the hearing shall be served personally or mailed in the manner prescribed in Subsection (d) of this section at a reasonable time prior to the new setting, but

it is not necessary to publish a newspaper notice of the new setting.

"Section 3.14. **WATER QUALITY STANDARDS.** The board, by order, shall set water quality standards for the water in the state, and may amend the standards from time to time. The board has the sole and exclusive authority to set water quality standards for all water in the state.

"Section 3.15. **HEARINGS ON STANDARDS; CONSULTATION.** Before setting or amending water quality standards, the board shall:

"(1) hold public hearings at which any person may appear and present evidence, under oath, pertinent for consideration by the board; and

"(2) consult with the Texas Water Development Board and the Texas Water Rights Commission to insure that the proposed standards are not inconsistent with the objectives of the state water plan.

"Section 3.16. **HEARINGS ON STANDARDS; NOTICE.** Notice of a hearing under Section 3.15 of this Act shall be given to each of the following that the board believes may be affected:

"(1) each local government whose boundary is contiguous to the water in question, or whose boundaries contain all or part of the water, or through whose boundaries the water flows;

"(2) the holders of rights to appropriate water from the water in question, as shown by the records of the Texas Water Rights Commission; and

"(3) the holders of permits from the board to discharge waste into or adjacent to the water in question.

"Section 3.17. **STANDARDS TO BE PUBLISHED.** The board shall publish its water quality standards and amendments and shall make copies available to the public on written request.

"Section 3.18. **BOARD MAY ISSUE PERMITS.** The board may issue permits and amendments to permits for the discharge of waste into or adjacent to water in the state. A person desiring a permit or to amend a permit shall submit an application to the board containing all information reasonably required by the board or the executive director.

"Section 3.19. **ACTION ON APPLICATION.** (a) Except as pro-

vided in Subsection (b) of this section, a public hearing shall be held on an application for a permit or to amend a permit. Notice of the hearing shall be given to the persons who in the judgment of the board may be affected.

"(b) An application to amend a permit to improve the quality of waste authorized to be discharged may be set for consideration and may be acted on by the board at a regular meeting, without necessity of holding a public hearing, if the applicant does not seek to increase significantly the quantity of waste authorized to be discharged or change materially the pattern or place of discharge. Notice of the application shall be mailed to the mayor and health authorities for the city or town, and the county judge and health authorities for the county, in which the waste is or will be discharged, at least 10 days before the board meeting, and they may present information to the board on the application.

"Section 3.20. **CONDITIONS OF PERMIT; AMENDMENT; REVOCATION AND SUSPENSION.** (a) In each permit the board shall prescribe the conditions on which it is issued, including:

"(1) the duration of the permit;

"(2) the location of the point of discharge of the waste;

"(3) the maximum quantity of waste that may be discharged under the permit at any time and from time to time;

"(4) the character and quality of waste that may be discharged under the permit; and

"(5) any monitoring and reporting requirements prescribed by the board for the permittee.

"(b) After a public hearing, notice of which shall be given to the permittee, the board may require the permittee, from time to time, for good cause, to conform to new or additional conditions. The board shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the board may grant additional time.

"(c) A permit does not become a vested right in the permittee; it may be revoked or suspended for good cause, after a public hearing, notice of which shall be given to the permittee, on any of the following grounds:

"(1) the permittee has failed or is failing to comply with the conditions of the permit;

"(2) the permit is subject to cancellation or suspension under Subsection (d) of Section 3.29 of this Act;

"(3) the permit or operations under the permit have been abandoned; or

"(4) the permit is no longer needed by the permittee.

"(d) The notice required by Subsections (b) and (c) of this section shall be sent to the permittee at his last known address as shown by the records of the board.

**"Section 3.21. PERMIT: EFFECT ON RECREATIONAL WATER.** In considering the issuance of a permit to discharge effluent into any body of water having an established recreational standard, the board shall consider any unpleasant odor quality of the effluent and the possible adverse effect that it might have on the receiving body of water; and the board may consider the odor as one of the elements of the water quality of the effluent.

**"Section 3.22. SEPTIC TANKS.** (a) Whenever it appears that, because of the nature of the soil or drainage in an area, the use of septic tanks in the area should be controlled or prohibited to prevent pollution, the board may hold a public hearing in or near the area to determine whether an order should be entered controlling or prohibiting the installation or use of septic tanks in the area. Before entering such an order, the board shall consult with the state commissioner of health for recommendations concerning the impact of the use of septic tanks in the area on public health. If the board finds after the hearing and after consulting with the state commissioner of health that an order controlling or prohibiting the use of septic tanks in the area is necessary to prevent pollution that may directly or indirectly injure the public health, the board may enter an order to do one or more of the following:

"(1) limit the number and kind of septic tanks which may be used in the area;

"(2) prohibit the installation and use of additional septic tanks in the area; or

"(3) provide for a gradual and systematic reduction of the number or kind of septic tanks in the area.

"The board may also provide in the order for a system of licensing the installation of additional septic tanks in the area, in which case no person may install a septic tank in the area without a license.

"(b) Whenever it appears to the commissioners' court of any county, that, because of the nature of the soil or drainage in an area in the county, the use of septic tanks in that area should be controlled or prohibited to prevent pollution that may directly or indirectly injure the public health, the county may proceed in the same manner and in accordance with the same procedures as the board to hold a hearing and enter an order, resolution, or other regulation controlling or prohibiting the installation or use of septic tanks in that area. The order, resolution or regulation may provide the same restrictions and requirements as is authorized for an order of the board entered under Subsection (a) of this section. Before the order, resolution, or other regulation becomes effective, the county shall submit it to the board and obtain the board's written approval.

**"Section 3.23. RATING OF WASTE DISPOSAL SYSTEMS.** After consultation with the State Department of Health, the board shall provide by rule for a system of approved ratings for municipal waste disposal systems and such other waste disposal systems as the board may designate. The owner or operator of a municipal waste disposal system which attains an approved rating has the privilege of erecting signs of a design approved by the board on highways approaching or within the boundaries of the municipality, subject to such reasonable restrictions and requirements as may be established by the Texas Highway Department. In addition, the owner or operator of any waste disposal system, including a municipal system, which attains an approved rating has the privilege of erecting signs of a design approved by the board at such locations as may be approved or established by the board, subject to such reasonable restrictions and requirements as may be imposed by any governmental entity having jurisdiction. If the waste disposal system fails to continue to achieve an approved rating, the board may revoke the privilege. On due notice from the board, the owner or operator of the system shall remove the signs.

"Section 3.24. APPROVAL OF DISPOSAL SYSTEM PLANS. This section applies to all sewer systems, treatment facilities, and disposal systems, except those public sewage disposal systems, the plans for which are subject to review and approval by the State Department of Health under Article 4477-1, Section 12, Vernon's Texas Civil Statutes, or by the Texas Water Rights Commission under statutes pertaining to water districts. Every person who proposes to construct or materially alter the efficiency of any sewer system, treatment facility, or disposal system to which this section applies, before beginning construction thereof, shall submit completed plans and specifications therefor to and obtain the approval of the plans by the board or, when authorized by the board, the executive director. The board, or the executive director when authorized by the board, shall approve the plans and specifications if they conform to the waste discharge requirements and water quality standards established by the board.

"Section 3.25. FEDERAL GRANTS. The board may execute agreements with the Department of the Interior, the Federal Water Pollution Control Administration, or any other federal agency that administers programs providing federal cooperation, assistance, grants, or loans for research, development, investigation, training, planning, studies, programming, and construction related to methods, procedures, and facilities for the collection, treatment, and disposal of waste or other water quality control activities. The board may accept federal funds for these purposes and for other purposes consistent with the objectives of this Act and may use the funds as prescribed by law or as provided by agreement.

"Section 3.26. STATE GRANTS AND LOANS. (a) The board may use money provided by legislative appropriation to make grants or loans to municipalities and interstate agencies, as those terms are defined in the Federal Water Pollution Control Act (33 U.S.C. Sec. 466 et seq.), and to local governments, and the board may itself expend such money, for construction of treatment works, as defined in the federal act, and for construction of sewer systems, treatment facilities, and disposal systems.

"(b) The board may use money provided by legislative appropriation to make grants or interest-free loans to, or to contract with, local governments, regional planning commissions, and planning agencies to pay administrative and other expenses of such entities for a period of not more than three years, and the board may itself expend such money, for developing effective, comprehensive water quality control and pollution abatement plans for designated areas of the state. Any loan made under this subsection shall be repaid when the resulting construction is begun.

"(c) The board may not make any construction grant or loan under Subsection (a) of this section unless or until:

"(1) the project is approved by the board and included in the state water quality plan;

"(2) the board determines that the project is entitled to priority over other eligible projects on the basis of financial need as well as water quality needs;

"(3) the recipient of the grant or loan agrees to pay the difference between the amount of the grant or loan and the cost of the project, which difference must be at least 20 percent of the estimated reasonable cost of the project as determined by the board; and

"(4) the recipient has made provision satisfactory to the board to assure proper and efficient operation and maintenance of the project after the construction is completed.

"(d) In determining the desirability of construction projects and of approving state grants, loans or contracts for them, the board shall consider:

"(1) the public benefits to be derived from the project and the propriety of state participation;

"(2) the benefits to be derived from the protection and conservation of the water and other natural resources in the state;

"(3) the relation of the ultimate cost of constructing and maintaining the project to the public interest and the public necessity for the project; and

"(4) the adequacy of provisions made or proposed to assure proper and efficient operation and maintenance of the project after the construction is completed.

"(e) Money granted, loaned or contracted for construction shall be used exclusively for construction costs on the approved project.

"Section 3.27. 'CONSTRUCTION.' As used in Sections 3.25 and 3.26 of this Act, 'construction' includes:

"(1) preliminary planning to determine the economic and engineering feasibility of the project;

"(2) engineering, architectural, legal, fiscal, and economic investigations and studies;

"(3) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the construction of the project;

"(4) erection, building, acquisition, alteration, remodeling, improvement, and extension; and

"(5) inspection and supervision.

"Section 3.28. CONTROL OF GRANT, LOAN, AND CONTRACT PROGRAMS. In order to implement and administer the federal and state grant, loan, and contract programs and to assure proper disbursement of and accounting for the public funds, the board shall adopt rules and procedures for the necessary engineering review and supervision, fiscal control, and fund accounting. The rules and procedures shall be consistent with federal law to the extent the board considers it applicable. The fiscal-control and fund-accounting procedures are supplemental to other procedures prescribed by state law.

"Section 3.29. REGIONAL OR AREA-WIDE SYSTEMS. (a) The Legislature finds and declares that it is necessary to the health, safety and welfare of the people of this state to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state. Within any standard metropolitan statistical area in the state, the board is authorized to implement this policy in the manner and in accordance with the procedure provided in the following subsections of this section. In those portions of the state not within a standard metropolitan statistical area, the board shall observe this state policy by encouraging interested and affected persons to co-

operate in developing and using regional and area-wide systems; in such portions of the state, the board may not use the procedure specified in the following subsections of this section to implement this policy, but this does not affect or diminish any authority which the board may otherwise have and exercise under other provisions of this Act. As used in this subsection, the term 'standard metropolitan statistical area' means an area consisting of a county or one or more contiguous counties which is officially so designated by the United States Bureau of the Budget or by any agency which succeeds to the Bureau or to this designation function of the Bureau.

"(b) Whenever it appears to the board that, because of the existing or reasonably foreseeable residential, commercial, industrial, recreational, or other economic development in an area, a regional or area-wide waste collection, treatment, or disposal system or systems are necessary to prevent pollution or maintain and enhance the quality of the water in the state, the board may hold a public hearing in or near the area to determine whether the policy stated in Subsection (a) of this section should be implemented in that area. Notice of the hearing shall be given to the local governments who in the judgment of the board may be affected. If after the hearing the board finds that a regional or area-wide system or systems are necessary or desirable to prevent pollution or maintain and enhance the quality of the water in the state, the board may enter an order defining the area in which such a system or systems are necessary or desirable.

"(c) At the same hearing held under Subsection (b) of this section, or at a subsequent hearing held in or near an area defined under Subsection (b) of this section, the board may consider whether to designate a regional or area-wide system or systems to serve all or part of the waste collection, treatment or disposal needs of the area defined. Notice of the hearing shall be given to the local governments and the owners and operators of any waste collection, treatment and disposal systems who in the judgment of the board may be affected. If after the hearing the board finds that there is an existing or proposed system or systems then capable, or which will in the reasonably foreseeable future be capable, of serv-

ing the waste collection, treatment or disposal needs of all or part of the area defined, and that the owners or operators of the system or systems are agreeable to providing the services, the board may enter an order designating the waste collection, treatment or disposal system or systems to serve all or part of the area defined.

"(d) After the board has entered an order as authorized in Subsection (c) of this section, the board may, after public hearing and after giving notice of the hearing to the persons who in the judgment of the board may be affected, take any one or more of the following actions:

"(1) enter an order requiring any person discharging or proposing to discharge waste into or adjacent to the water in the state in an area defined in an order entered under Subsection (b) of this section to use a regional or area-wide system designated under Subsection (c) of this section for the disposal of his waste;

"(2) refuse to grant any permits for the discharge of waste, or to approve any plans for the construction or material alteration of any sewer system, treatment facility, or disposal system, in an area defined in an order entered under Subsection (b) of this section unless the permits or plans comply and are consistent with any orders entered under this section; or

"(3) cancel or suspend any permit, or amend any permit in any particular, which authorizes the discharge of waste in an area defined in an order entered under Subsection (b) of this section.

"The exercise of the authority granted to the board in this Subsection (d) shall be predicated on findings by the board that there is an existing or proposed regional or area-wide system designated under Subsection (c) of this section which is capable, or which will in the reasonably foreseeable future be capable, of serving the waste collection, treatment or disposal needs of the person or persons who are the subject of an action taken by the board under this subsection; that the owner or operator of the designated regional or area-wide system is agreeable to providing the service; and that it is feasible for the service to be provided on the basis of waste collection, treatment and disposal technology, engineering, financial, and related considerations existing at the time, exclusive of any

loss of revenues from any then-existing or proposed waste collection, treatment or disposal systems in which the person or persons who are the subject of an action taken by the board under this subsection have an interest.

"(e) Upon motion of any interested party and after a public hearing, the board may set reasonable rates for the furnishing of waste collection, treatment, or disposal services to any person by a regional or area-wide system designated under Subsection (c) of this section. Notice of the hearing shall be given to the owner or operator of the designated regional or area-wide system, the person requesting the hearing, and any other person who, in the judgment of the board, may be affected by the action taken by the board as a result of the hearing. After the hearing the board shall enter an order setting forth its findings and the rates which may be charged for the services by the designated regional or area-wide system.

"Section 3.30. ACCIDENTAL DISCHARGES AND SPILLS. (a) As used in this section:

"(1) 'accidental discharge' means an act or omission through which waste or other substances are inadvertently discharged into water in the state;

"(2) 'spill' means an act or omission through which waste or other substances are deposited where, unless controlled or removed, they will drain, seep, run or otherwise enter water in the state; and

"(3) 'other substances' means substances which may be useful or valuable and therefore are not ordinarily considered to be waste, but which will cause pollution if discharged into water in the state.

"(b) Whenever an accidental discharge or spill occurs at or from any activity or facility which causes or may cause pollution, the individual operating, in charge of, or responsible for the activity or facility shall notify the office of the board as soon as possible and not later than 24 hours after the occurrence.

"(c) Activities which are inherently or potentially capable of causing or resulting in the spillage or accidental discharge of waste or other substances, and which pose serious or significant pollutional threats, are subject to such reasonable rules or orders establishing safety and preventive

measures as the board may adopt or issue. The safety and preventive measures which may be required shall be commensurate with the potential harm which could result from the escape of the waste or other substances.

"(d) The provisions in this section are cumulative of the other provisions in this Act relating to waste discharges. Nothing in this section exempts any person from complying with or being subject to any other provision of this Act.

"Section 3.31. CONTROL OF CERTAIN WASTE DISCHARGES BY RULE. Whenever the board determines that the quality of water in an area is adversely affected or threatened by the combined effects of several relatively small-quantity discharges of wastes being made for which it is not practical to issue individual permits, or that the general nature of a particular type of activity which produces a waste discharge is such that requiring individual permits is unnecessarily burdensome both to the waste discharger and the board, the board may by rule regulate and set the requirements and conditions for such discharges of waste.

"Section 3.32. HEALTH HAZARDS. The board may use any means provided by this Act to prevent a discharge of waste that is injurious to public health.

"Section 3.33. MONITORING AND REPORTING. The board may prescribe reasonable requirements for a person making waste discharges to monitor and report on his waste collection, treatment and disposal activities. When in the judgment of the board significant water quality management benefits will result or water quality management needs justify, the board may also prescribe reasonable requirements for any person or persons making waste discharges to monitor and report on the quality of any water in the state which the board has reason to believe may be materially affected by the waste discharges.

#### "SUBCHAPTER D. PROHIBITION AGAINST POLLUTION; ENFORCEMENT

"Section 4.01. UNAUTHORIZED DISCHARGES PROHIBITED. (a) Except as authorized by a rule, regulation, permit or other order issued by the board, or the executive director when authorized by the board, no person may:

"(1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state;

"(2) discharge other waste into or adjacent to any water in the state which in itself, or in conjunction with any other discharge or activity, causes, continues to cause, or will cause pollution of any of the water in the state; or

"(3) commit any other act or engage in any other activity, which in itself, or in conjunction with any other discharge or activity, causes, continues to cause, or will cause pollution of any of the water in the state, unless the activity is under the jurisdiction of the Parks and Wildlife Department, the General Land Office, or the Texas Railroad Commission, in which case this paragraph (3) does not apply.

"(b) In implementing paragraphs (2) and (3) of Subsection (a) of this section, consideration shall be given to the state of existing technology, economic feasibility, and the water quality needs of the waters that might be affected.

"(c) No person may cause, suffer, allow, or permit the discharge of any waste or the performance of any activity in violation of this Act or of any rule, regulation, permit, or other order of the board.

"(d) Any person who violates any provision of this Act or of any rule, regulation, permit or other order of the board is subject to a civil penalty of not less than \$50.00 nor more than \$1,000.00 for each day of violation and for each act of violation, as the court may deem proper, to be recovered in the manner provided in this Subchapter.

"Section 4.02. ENFORCEMENT BY BOARD. (a) Whenever it appears that a person has violated or is violating, or is threatening to violate, any provision of this Act, or of any rule, regulation, permit, or other order of the board, then the board, or the executive director when authorized by the board, may cause a civil suit to be instituted in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation, or for the assessment and recovery of a civil penalty of not less than \$50.00 nor more than \$1,000.00 for each act of violation and for each day of violation, as the court may deem proper, or for

both injunctive relief and civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this Act or any rule, permit, or other order of the board, the district court shall grant the injunctive relief the facts may warrant.

"(b) At the request of the board, or the executive director when authorized by the board, the attorney general shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty, or for both injunctive relief and penalty, as authorized in subsection (a) of this section.

"Section 4.03. ENFORCEMENT BY OTHERS. (a) Whenever it appears that a violation or threat of violation of any provision of Section 4.01 of this Act, or of any rule, regulation, permit, or other order of the board has occurred or is occurring within the jurisdiction of a local government, exclusive of its extraterritorial jurisdiction, the local government, in the same manner as the board, may cause a suit to be instituted in a district court through its own attorney for the injunctive relief or civil penalties, or both, as authorized in Subsection (a) of Section 4.02 of this Act against the person who committed, or is committing or threatening to commit, the violation. This power may not be exercised by a local government unless its governing body adopts a resolution authorizing the exercise of the power. In a suit brought by a local government under this Subsection (a), the board is a necessary and indispensable party.

"(b) Whenever it appears that a violation or a threat of violation of any provision of Section 4.01 of this Act or of any rule, regulation, permit, or other order of the board has occurred or is occurring that affects aquatic life or wildlife, the Parks and Wildlife Department, in the same manner as the board, may cause suit to be instituted in a district court for injunctive relief or civil penalties, or both, as authorized in Subsection (a) of Section 4.02 of this Act, against the person who committed or is committing, or is threatening to commit, the violation. The suit shall be brought in the name of the State of Texas through the county attorney or the district attorney, as appropriate, of the county where the defendant resides or in the county

where the violation or threat of violation occurs.

"Section 4.04. VENUE AND PROCEDURE. (a) A suit for injunctive relief or for recovery of a civil penalty, or for both injunctive relief and penalty, may be brought either in the county where the defendant resides or in the county where the violation or threat of violation occurs.

"(b) In any suit brought to enjoin a violation or threat of violation of this Act or of any rule, regulation, permit, or other order of the board, the court may grant the board, the Parks and Wildlife Department, or the local government, without bond or other undertaking, any prohibitory or mandatory injunction the facts may warrant, including temporary restraining orders after notice and hearing, temporary injunctions, and permanent injunctions.

"(c) A suit brought under this Act shall be given precedence over all other cases of a different nature on the docket of the trial or appellate court.

"(d) Either party may appeal from a final judgment of the court as in other civil cases.

"(e) All civil penalties recovered in suits instituted under this Act by the State of Texas through the board or the Parks and Wildlife Department shall be paid to the General Revenue Fund of the State of Texas.

"(f) All civil penalties recovered in suits instituted by a local government or governments under this Act shall be equally divided between the State of Texas on the one hand and the local government or governments first instituting the suit on the other, with 50 percent of the recovery to be paid to the General Revenue Fund of the State of Texas and the other 50 percent equally to the local government or governments first instituting the suit.

"Section 4.05. ACT OF GOD, WAR, ETC. Any pollution, or any discharge of waste without a permit or in violation of a permit, caused by an act of God, war, strike, riot, or other catastrophe is not a violation of this Act.

#### "SUBCHAPTER E. AUTHORITY OF LOCAL GOVERNMENTS.

"Section 5.01. INSPECTION OF PUBLIC WATER. A local government may inspect the public water



in its area and determine whether or not:

"(1) the quality of the water meets the state water quality standards adopted by the board;

"(2) persons discharging effluent into the public water located in the areas over which the local government has jurisdiction have obtained permits for the discharge of the effluent; and

"(3) persons who have permits are making discharges in compliance with the requirements of the permits.

"Section 5.02. RECOMMENDATIONS TO BOARD. A local government may make written recommendations to the board as to what in its judgment the water quality standards should be for any public water within its territorial jurisdiction.

"Section 5.03. POWER TO ENTER PROPERTY. A local government has the same power as the board has under Section 3.04 of this Act to enter public and private property within its territorial jurisdiction to make inspections and investigations of conditions relating to water quality. The local government in exercising this power is subject to the same provisions and restrictions as the board. When requested by the board, the results of any inspection or investigation made by the local government shall be transmitted to the board for its consideration.

"Section 5.04. ENFORCEMENT ACTION. A local government may bring an enforcement action under this Act in the manner provided in Subchapter D of this Act for local governments.

"Section 5.05. COOPERATIVE AGREEMENTS. A local government may execute cooperative agreements with the board or other local governments:

"(1) to provide for the performance of water quality management, inspection, and enforcement functions and to provide technical aid and educational services to any party to the agreement; and

"(2) for the transfer of money or property from any party to the agreement to another party to the agreement for the purpose of water quality management, inspection, enforcement, technical aid and education, and the construction, ownership, purchase, maintenance, and operation of disposal systems.

#### "SUBCHAPTER F. JUDICIAL REVIEW

"Section 6.01. APPEAL OF BOARD ACTION. (a) A person affected by any ruling, order, decision, or other act of the board may appeal by filing a petition in a district court of Travis County.

"(b) The petition must be filed within 30 days after the date of the board's action, or, in the case of a ruling, order, or decision, within 30 days after its effective date.

"(c) Service of citation on the board must be accomplished within 30 days after the date the petition is filed. Citation may be served on the executive director or the deputy director.

"(d) The plaintiff shall pursue his action with reasonable diligence. If the plaintiff does not prosecute his action within 18 months after the action is filed, the court shall presume that the action has been abandoned. The court shall dismiss the suit on a motion for dismissal made by the attorney general unless the plaintiff, after receiving due notice, can show good and sufficient cause for the delay.

"(e) In an appeal of a board action other than cancellation or suspension of a permit, the issue is whether the action is invalid, arbitrary, or unreasonable.

"(f) An appeal of the cancellation or suspension of a permit shall be tried in the same manner as appeals from the justice court to the county court."

Section 2. The three members of the Texas Water Quality Board appointed under the provisions of Section 4(a) of Chapter 313, Acts of the 60th Legislature, Regular Session, 1967 (Article 7621d-1, Vernon's Texas Civil Statutes), who are in office when this Act goes into effect shall continue in office as the appointed members of the Texas Water Quality Board; Howard V. Rose, the member appointed to the term which began in November 1963, and who was redesignated by the Governor as the member representing general public interests on November 23, 1965, shall serve for a period ending September 1, 1969; Jerry L. Brownlee, the member appointed to the term which began in November 1965, shall serve for a period ending September 1, 1971; and, Gordon Fulcher, the member appointed to the term which be-

gan in November 1967, shall serve for a period ending September 1, 1973. A person appointed as a member following the expiration of the term of office of a member who is in office when this Act goes into effect shall serve during a six-year term as provided in Section 2.03 of this Act.

Section 3. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part.

Section 4. Emergency Clause. The importance to the public of the amendments in this Act creates an emergency and imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee report was read and was adopted by the following vote:

#### Yeas—29

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Cole	Schwartz
Connally	Snelson
Creighton	Strong
Grover	Watson
Hall	Wilson
Harrington	Word
Harris	

#### Absent

Moore

#### Absent—Excused

Jordan

#### Conference Committee on House Bill 1327

The President announced the appointment of the following conferees

on the part of the Senate on H. B. No. 1327: Senators Schwartz, Mauzy, Strong, Blanchard and Brooks.

#### Conference Committee on House Bill 156

The President announced the appointment of the following conferees on the part of the Senate on H. B. No. 156: Senators Jordan, Bernal, Mauzy, Bates and Hall.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1478, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, to be known as Spring Hill Utility District, comprising the territory and property described herein; constituting the same as a governmental agency and body politic and corporate and a political subdivision of the State; making certain findings in connection with the creation of the District; prescribing the rights, powers, privileges and duties of said District and its Board of Directors; prescribing the purpose for which bonds may be issued, and the terms and conditions for their issuance and the sale thereof; declaring the District essential; enacting provisions incident and relating to the subject; providing a savings clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Report of Standing Committee

Senator Connally, by unanimous consent, submitted the following report:

Austin, Texas,  
May 27, 1969.

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Parks and Wildlife, to which was referred H. B. No. 1453, have had the same

under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CONNALLY,  
Chairman  
BLANCHARD

#### House Bill 1453 Ordered Not Printed

On motion of Senator Word, and by unanimous consent, H. B. No. 1453 was ordered not printed.

#### Memorial Resolutions

S. R. No. 945—By Senator Watson: Memorial resolution for Mrs. N. W. Olney.

S. R. No. 946—By Senator Watson: Memorial resolution for Mrs. Marietta T. Thompson.

#### Welcome and Congratulatory Resolutions

S. R. No. 944—By Senators Watson and Harrington: Extending appreciation and recognition to the Texas Outdoor Advertising Association for their effort in making TAP a symbol of the agricultural greatness of the State of Texas.

S. R. No. 947—By Senator Hall: Extending welcome to leaders and members of Junior Girl Scout Troop No. 350 of Rockwall.

S. R. No. 948—By Senator Watson: Extending welcome to Tom Truman of Waco.

S. R. No. 950—By Senator Hall: Extending welcome to Mrs. Dwane Hedges.

S. R. No. 953—By Senator Watson: Extending welcome and privileges of the floor to M. T. Rice of Waco.

S. R. No. 955—By Senator Watson: Extending welcome and privileges of the floor to Mr. and Mrs. Jack Ferrell and daughters.

S. R. No. 956—By Senator Watson: Extending welcome and privileges of the floor to O. F. Jones, Jr., of Waco.

S. R. No. 959—By Senators Herring and Moore: Extending commendation to Texas Agricultural Department for their program of promoting Texas Agricultural Products.

#### Adjournment

On motion of Senator Blanchard the Senate at 5:27 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### APPENDIX

#### Sent to Governor

May 27, 1969

S. B. No. 19

S. B. No. 202

S. B. No. 565

S. B. No. 302

S. B. No. 153

S. B. No. 725

S. B. No. 9

S. B. No. 115

S. B. No. 751

S. B. No. 746

S. C. R. No. 93

S. C. R. No. 40

S. C. R. No. 41

#### SEVENTY-EIGHTH DAY

(Wednesday, May 28, 1969)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Creighton	Snelson
Grover	Strong
Hall	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.